



# Security Council

Sixty-sixth year

Provisional

## 6555<sup>th</sup> meeting

Wednesday, 15 June 2011, 11 a.m.  
New York

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|-------------------|------------------------------------------------------------|------------------------|
| <i>President:</i> | Mr. Toungui .....                                          | (Gabon)                |
| <i>Members:</i>   | Bosnia and Herzegovina .....                               | Mr. Barbalčić          |
|                   | Brazil .....                                               | Mrs. Dunlop            |
|                   | China .....                                                | Mr. Zhai Jun           |
|                   | Colombia .....                                             | Mr. Osorio             |
|                   | France .....                                               | Mr. Araud              |
|                   | Germany .....                                              | Mr. Wittig             |
|                   | India .....                                                | Mr. Hardeep Singh Puri |
|                   | Lebanon .....                                              | Mr. Salam              |
|                   | Nigeria .....                                              | Mrs. Ogwu              |
|                   | Portugal .....                                             | Mr. Mendes Cabral      |
|                   | Russian Federation .....                                   | Mr. Churkin            |
|                   | South Africa .....                                         | Ms. Nkoana-Mashabane   |
|                   | United Kingdom of Great Britain and Northern Ireland ..... | Sir Mark Lyall Grant   |
|                   | United States of America .....                             | Ms. Rice               |

## Agenda

The situation in Libya

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This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-37191 (E)

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*The meeting was called to order at 11 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Libya**

**The President** (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Hamady Ould Hamady, Minister for Foreign Affairs and Cooperation of Mauritania, who will make a statement on behalf of the visiting ministerial delegation of the African Union Ad Hoc High-Level Committee on Libya, to participate in this meeting.

I wish to warmly welcome the ministers and other eminent participants in today's meeting. Their presence is an affirmation of the importance of the matter to be addressed.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to His Excellency Mr. Ould Hamady.

**Mr. Ould Hamady** (*spoke in French*): I wish at the outset to thank the President and the members of the Security Council for having convened today's meeting between the African Union (AU) Ad Hoc High-Level Committee on Libya and the Council. This meeting marks yet another milestone in the new partnership that focuses on the action we all are engaged in, in the spirit of Chapter VIII of the Charter of the United Nations, which is aimed at strengthening the capacity of the AU and the United Nations to better respond, with the necessary efficiency and flexibility, to challenges related to peace and security in Africa. My colleagues, the members of the African Union ministerial delegation and I are pleased to engage in this interaction with the Council, which we deem appropriate and timely.

As the Council is aware, this meeting is being held in response to the request contained in the decision on the peaceful resolution of the Libyan crisis adopted by the extraordinary session of the Assembly of AU Heads of State and Government, held in Addis Ababa on 25 May. This represents a unique opportunity for our Committee to brief the Security Council on the actions that AU has been taking since the beginning of the Libyan crisis, to share with the Council our fears

and concerns, and to agree upon ways and means of speeding up the quest for lasting peace in Libya. This meeting is an integral part of the implementation of the mandate of the ad hoc High-Level Committee, which is to coordinate efforts and to call for the support of various partners with a view to rapidly resolving the crisis.

This meeting is being held at a critical juncture in the situation in Libya. The conflict that has been tearing that country apart since February 2011 is now moving into its fourth month, while the military operation led by the coalition and then by NATO, in the context of resolution 1973 (2011), has been operational for about three months and has now been renewed for a further similar period.

The humanitarian situation on the ground is of great concern, as was rightly stressed by Ms. Valerie Amos, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, speaking before the Council on 9 May (see S/PV.6530), and later in Geneva on 19 May. As we gather here today to discuss the situation in Libya, we are in duty bound to keep in mind not only the indescribable suffering inflicted upon the Libyan civilian population, for whose protection resolution 1973 (2011) was adopted, as well as the fate of the African migrant workers and others desperately seeking to escape from Libya, of whom hundreds, if not thousands, have already died at sea.

The prolongation of military operations in Libya daily gives rise to fresh challenges, as much with respect to the likelihood of a successful democratic transition in Libya as to the security and stability of the countries in the region. The situation requires the attention of the United Nations and the AU, in line with their primary mandates — the promotion of peace, security and stability. It also underscores once again the moral and political imperative to urgently seek a solution aimed at relieving the suffering of the civilian population, creating conditions conducive to the return of sustainable peace in Libya, and sparing the region new tribulations that could plunge it back into instability, with all the resultant consequences.

The African Union is particularly concerned by the current turn of events. Our concern is all the greater because the crisis in Libya is clearly taking on a regional dimension, and because the countries neighbouring Libya, in North Africa and in the Sahelo-

Saharan strip, are bearing the brunt of the current situation and would pay the highest price if the conflict were to continue and intensify.

Tens of thousands of African migrant workers have had to return to their countries of origin without any real prospects of socio-economic reintegration, given all the various difficulties facing our countries. It is clear that the burden thus imposed on many of our member States will bring about social tensions that could degenerate into political crisis. Reliable information relating to the proliferation of arms originating from Libyan arms depots has only further deepened our concern, especially since certain countries in the region are currently facing latent or emerging rebellions, coupled with the scourge of terrorism.

We are convinced that, when all is said and done, only a political solution can respond to the legitimate aspirations of the Libyan people and promote lasting peace in the country. That conviction has inspired the approach we have taken since 10 March 2011, when the Peace and Security Council, meeting at the level of heads of State, outlined a road map for the resolution of the Libyan conflict. Previously, following the developments that occurred in Libya after the first popular uprising, the Peace and Security Council had firmly condemned the indiscriminate and excessive use of force and weapons against peaceful demonstrators, as it considered this to be a violation of human rights and of international humanitarian law. It therefore appealed to the Libyan authorities to ensure the protection and security of their people, and underscored the legitimacy of the Libyan people's aspirations to democracy, political reform and justice.

Although the key elements of the AU road map are well known to the Council, it is nonetheless useful to recall them, as there may have been misunderstandings, here and there, as to the objectives pursued and the real intentions of our continental organization. These elements are as follows: the immediate cessation of all hostilities; the cooperation of the relevant Libyan authorities in facilitating the effective delivery of humanitarian aid to populations in need; the protection of foreigners, including African migrant workers living in Libya; and the adoption and implementation of the political reforms necessary to eliminate the causes of the current conflict.

Clearly, nothing in the road map could be legitimately interpreted as stemming from an inclination to support any given party. Quite to the contrary, it is a matter of giving Libyans an opportunity to freely elect their leaders and to set up a political system that meets their aspirations and is in line with the relevant instruments of the African Union, in the spirit of a beneficial endeavour at renewal and consensual democratic transformation that is initiated and led by all the Libyan sensitivities.

Since its establishment, the Ad Hoc High-Level Committee has concentrated on facilitating the search for a political solution. The efforts undertaken include in particular the holding of several meetings, both at the level of heads of State, members of the Committee and the Chairperson of the African Union Commission, as well as that of Ministers and the Commissioner for Peace and Security. There was also a visit to Libya on 10 and 11 April, during which the Committee met with Colonel Al-Qadhafi and representatives of the Transitional National Council (TNC) to discuss the African Union road map and the ways and means to rapidly end the crisis. That visit was followed by several meetings with the Libyan parties, held in Addis Ababa at the end of April and the end of May, to pursue ongoing dialogue. Just before coming here this morning, we held another meeting with the TNC. There was also a ministerial meeting of the Peace and Security Council on 25 and 26 April, as well as an extraordinary session of the Assembly of Heads of State and Government on May 25.

Allow me to add that His Excellency Mr. Mohamed Ould Abdel Aziz, Chair of the Ad Hoc Committee, has been in constant touch with his colleagues, as well as with Libyan parties and international partners. In addition, with the agreement of the Ad Hoc Committee, President Jacob Zuma of South Africa visited Libya and discussed with Colonel Al-Qadhafi ways and means to quickly bring the crisis to an end.

On its part, the African Union Commission also embarked on a certain number of initiatives within the framework of the relevant decisions of the African Union. Those included the convening, in Addis Ababa on 31 March, of an experts meeting with the United Nations, the League of Arab States, the European Union and the Organization of Islamic Conference. The meeting discussed the establishment of a ceasefire and the request contained in paragraph 1 of resolution 1973

(2011), including modalities for oversight. Commission representatives were also invited and participated in three different meetings of the international contact group on Libya. And the Commission continued a constructive dialogue with international partners, both bilateral and multilateral.

The African Union Ad Hoc High-Level Committee seized the opportunity presented by the extraordinary session in May to interact once again with the Libyan parties. On that occasion, Government representatives, having reaffirmed their unconditional acceptance of the road map, presented in detail a previously submitted document on the mechanisms and means for the implementation of the road map. On their part, the representatives of the TNC presented a document entitled "General framework of negotiations aiming to fulfil the legitimate demands of the Libyan people aimed at establishing a democratic constitutional order".

The holding of an extraordinary session of the Assembly of Heads of State and Government a month before the holding of the ordinary session in Malabo demonstrates the seriousness of our concerns over developments in the situation in Libya, as well as our overriding desire to end the suffering being endured by the Libyan people. The extraordinary session reiterated the African Union's conviction about the need for a political solution to the current conflict. To that end, it adopted the road map towards a resolution of the crisis in Libya and expressed its full support for the Ad Hoc High-Level Committee. The session also once again emphasized the need for an immediate end to all attacks against, and abuses of, civilians, as well as for an immediate ceasefire.

I would also like to underscore that a ceasefire should lead to the establishment of a political process and, in particular, a consensual and inclusive transition during which the necessary reforms are carried out, leading to democratic elections to enable Libyans to freely elect their leaders.

While reiterating the commitment of the African Union to resolutions 1970 (2011) and 1973 (2011), the session stressed the obligation of all Member States of the United Nations and other concerned international actors to fully comply with the letter and spirit of those resolutions. The Assembly expressed deep concern about the dangerous precedent being set by one-sided interpretations of those resolutions of the United

Nations and about the consequences that may result for international legality.

As the Security Council is already aware, the extraordinary session expressed Africa's surprise and disappointment at attempts to marginalize the continent in the management of a conflict that is primarily its concern. It also recalled that the role of the Ad Hoc High-Level Committee is formally recognized by the Security Council in paragraph 2 of resolution 1973 (2011). That role falls under the overall context of Chapter VIII of the Charter of the United Nations, on the role of regional arrangements in the settlement of disputes among and within Member States. In addition, as I emphasized earlier, the African continent and the countries of the region, in particular, will suffer most from the impact of the conflict in Libya, both on the security front as well as in socio-economic terms. We cannot be mere spectators to calamities that befall us.

Today more than ever, we are determined to pursue our active efforts motivated by the same conviction, namely, that there is a need for a political solution and that Africa can make a particular contribution to resolving the conflict besetting Libya. It is in that spirit that the African Union will actively participate in the meeting scheduled to be held in Cairo on 18 June between the five international organizations involved to facilitate the drafting of a joint action plan to move forward in the search for peace in Libya. In addition, the next summit of the African Union Assembly, to be held in Malabo, will be an opportunity to decide on the steps to be taken in the light of developments in the situation and the report that will be presented by the Ad Hoc High-Level Committee.

We are here today to reassure the Council of our commitment to an inclusive political solution that will enable Libyans to agree on an approach that is as consensual as possible to meet their aspirations for democracy, the rule of law and respect for human rights. The legitimacy and justice of those aspirations can never be overemphasized.

We are here to say to the Council how important it is that such a process be conducted and owned by all Libyans and that it include mutual concessions as part of a dialogue without predetermined conditions. Its outcome should be that the democratization of their country is the result of their own efforts and the consensus they arrive at. Experience has shown us time and time again that this is a precondition for lasting

democratic change, as well as to ensuring that there is no reason for the fratricidal upheaval that is tearing Libya apart to continue.

We are here to make a plea for an immediate humanitarian pause so that the pressing needs of affected people can be met. Such a pause should be followed by a ceasefire linked to the political process and, in particular, the beginning of an inclusive and consensual transition.

We are here to reaffirm that a lasting solution to the crisis in Libya requires a significant contribution from Africa and close coordination between all stakeholders concerned. We would also like to underscore the particular contribution that the Ad Hoc High-Level Committee could make to the search for a peaceful resolution to the conflict in Libya in accordance to the objectives of resolutions 1970 (2011) and 1973 (2011).

Finally, we are here to illustrate the solemn commitment of Africa to working closely with multilateral partners, in particular the United Nations and the Special Envoy of the Secretary-General to Libya, in the spirit of paragraph 2 of resolution 1973 (2011) and in line with international legality.

In the management of the Libyan crisis the time is long overdue to articulate a solution together that judiciously combines the priorities of the moment concerning the need to protect civilians, the objective of a democratic transformation in a country whose political system has not experienced the institutional evolution that Africa has in terms of governance since the beginning of the 1990s, and the promotion of lasting peace and stability in Libya and the region. The momentum for a change in governance that is apparent in Libya today brings to the fore political reforms that will definitely be reflected in the future.

We need to work urgently in the short term, without losing sight of what is required in the long term. We need to tackle the priorities dictated by the situation on the ground while at the same time inscribing our action in a vision that is focused on the long term and founded on the need to find lasting solutions that will be approved and adhered to by all Libyan parties, without marginalization or exclusion. It is only under this condition that our service will be useful to Libya and that the concern of the international community towards Libya will be translated into terms of peace, security, reconciliation and democracy.

The African Union — whose action is motivated only by the objectives of the aspirations of the Libyan people and the legitimate concerns of the countries in the region with regard to their long-term security and stability — will never hide from its responsibilities. It will be a loyal and efficient partner to the United Nations, and to the Security Council in particular. It will serve as a faithful and attentive friend to the Libyan people, under all circumstances.

Now is the time, more than ever before, for action, action that is concerted in the service of the shared values on which our partnership is founded.

**The President** (*spoke in French*): I thank Minister Ould Hamady for his statement on behalf of the African Union's Ad Hoc High-Level Committee on Libya.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 11.20 a.m.*



## Security Council

Distr.: General  
17 June 2011

Original: English

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### Official communiqué of the 6556th (closed) meeting of the Security Council

**Held in private at Headquarters, New York, on Friday,  
17 June 2011, at 11 a.m.**

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

“At its 6556th meeting, held in private on 17 June 2011, the Security Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations.

“The Security Council adopted by acclamation the following resolution:

*‘The Security Council,*

*‘Having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations,*

*‘Recommends to the General Assembly that Mr. Ban Ki-moon be appointed Secretary-General of the United Nations for a second term of office from 1 January 2012 to 31 December 2016.’”*





# Security Council

Sixty-sixth year

Provisional

## 6557<sup>th</sup> meeting

Friday, 17 June 2011, 3 p.m.

New York

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|                   |                                                            |                        |
|-------------------|------------------------------------------------------------|------------------------|
| <i>President:</i> | Mr. Messone .....                                          | (Gabon)                |
| <i>Members:</i>   | Bosnia and Herzegovina .....                               | Mr. Barbalić           |
|                   | Brazil .....                                               | Ms. Dunlop             |
|                   | China .....                                                | Mr. Yang Tao           |
|                   | Colombia .....                                             | Mr. Osorio             |
|                   | France .....                                               | Mr. Araud              |
|                   | Germany .....                                              | Mr. Wittig             |
|                   | India .....                                                | Mr. Hardeep Singh Puri |
|                   | Lebanon .....                                              | Mr. Salam              |
|                   | Nigeria .....                                              | Mr. Amieyeofori        |
|                   | Portugal .....                                             | Mr. Moraes Cabral      |
|                   | Russian Federation .....                                   | Mr. Churkin            |
|                   | South Africa .....                                         | Mr. Sangqu             |
|                   | United Kingdom of Great Britain and Northern Ireland ..... | Sir Mark Lyall Grant   |
|                   | United States of America .....                             | Mr. Dunn               |

### Agenda

Threats to international peace and security caused by terrorist acts

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11-37735 (E)



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*The meeting was called to order at 3.20 p.m.*

#### **Adoption of the agenda**

*The agenda was adopted.*

#### **Threats to international peace and security caused by terrorist acts**

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item in its agenda.

Members of the Council have before them documents S/2011/368 and S/2011/369, which contain the texts of two draft resolutions.

It is my understanding that the Council is ready to proceed to the vote on the draft resolutions before it.

I shall first put to the vote the draft resolution contained in document S/2011/368 and co-sponsored by France, Germany, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

*A vote was taken by show of hands.*

*In favour:*

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1988 (2011).

I shall now put to the vote the second draft resolution, contained in document S/2011/369 and co-sponsored by France, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

*A vote was taken by show of hands.*

*In favour:*

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1989 (2011).

I shall now give the floor to members of the Council who wish to make a statement after the vote.

**Mr. Dunn** (United States of America): The United States welcomes and strongly supports today's Council action to implement significant reforms to the regime under the Security Council Committee established pursuant to resolution 1267 (1999) and to create a new sanctions regime targeting violent extremists in Afghanistan. With these reforms, the Council acknowledges that the nature of these threats has evolved and that events on the ground in Afghanistan have changed. The Council has also taken major steps to strengthen fairness and transparency in its listing and delisting procedures, including to expand the mandate and enhance the authority of the 1267 Ombudsperson.

The actions that the Council took today, with Afghan Government support, are designed to support and promote Afghan-led reconciliation while targeting those associated with the Taliban and constituting a threat to the peace, stability and security of Afghanistan. They will also allow the 1267 Committee to better tailor its efforts to the unique global threat posed by Al-Qaida and its affiliates.

We wish to acknowledge the role of the 1267 Monitoring Team in outlining the evolving nature of the threat and recommending ways for us to modernize the 1267 sanctions. This sanctions regime is one of the most important multilateral counter-terrorism tools that the international community has at its disposal. We hope today's actions will ensure that these measures continue to enjoy the full support of the international community and are fully implemented by all Member States.

**Mr. Wittig** (Germany): Germany welcomes today's Security Council decision to split the current 1267 and Al-Qaida/Taliban regime and to establish a country-specific regime for Afghanistan.

Under the new regime, the Government of Afghanistan has a distinct and visible role to play in the listing and delisting process. With a new mechanism for consultation and coordination prior to either listing or delisting, the Council sends a strong signal of trust and support regarding the peace and

reconciliation efforts of the Government of Afghanistan. In linking the delisting process to the internationally endorsed criteria for reconciliation, the Security Council is now well positioned to constructively support political dialogue in Afghanistan. This resolution is a major step forward, especially in the run-up to the Afghanistan conference that my country will be hosting in Bonn in December this year.

The new mandate for the Al-Qaida regime provides a solid basis for countering the global threat of Al-Qaida and affiliated networks to peace and international security. Germany reiterates that the effectiveness of the counter-terrorism tool depends primarily on the implementation of the measures by Member States, and Member States will accept this task only if they have trust in the fair and clear procedures within the sanctions regime.

The Security Council has come a long way, with the triennial review introduced in resolution 1822 (2008). But even more, with the establishment of the Office of the Ombudsperson, the Council has continuously taken important steps to enhance fair and clear procedures. Today the Council decided to underscore once more its commitment to this principle through further enhancing the role of the Ombudsperson. As of today, the Ombudsperson is requested to provide not only observations, but also recommendations on the delisting of petitioners, thereby substantially strengthening her role within the framework of fair and clear procedures. From now on, the Committee needs consensus for keeping individuals on the list if the Ombudsperson has recommended otherwise. Germany welcomes that as a major achievement.

**Mr. Hardeep Singh Puri (India):** Terrorism is one of the most serious threats to international peace and security. International cooperation and concerted action against terrorists and their sponsors, including the complete dismantling of terrorist safe havens, sanctuaries, training grounds and financial and ideological support structures, are the critical imperatives to defeat this scourge.

India has confronted terrorism for over three decades and continues to face the challenge of the rising forces of extremism and radicalism in our immediate neighbourhood and beyond. We have the strongest possible and unequivocal commitment to

combating terrorism. We are fully supportive of all efforts, bilateral as well as multilateral, that strengthen the international community's resolve in countering terrorism.

The syndicate of terrorism, with intricate interconnections comprising Al-Qaida, elements of the Taliban, Lashkar e Toiba and other terrorist groups that operate from within and outside Afghan borders, are among the biggest threats from terrorism worldwide. These bonds have strengthened over the years.

We have joined the consensus in favour of the resolution adopted today to convey an unequivocal and resolute message from the Council of its steadfast determination in countering terrorism. India fully supports an Afghan-led, inclusive and transparent process of reconciliation, adhering to the red lines as enunciated by the Afghan Government and in the London and Kabul communiqués.

We respect the right of the Afghan people to decide their own destiny. The capacity of the Afghan Government and people to fight and overcome terrorism must be strengthened. We also support the views and decisions of the Government and people of Afghanistan as they seek to build a more secure, stable and prosperous future and a strong democracy in their country.

We earnestly hope that the new sanctions regime on Afghanistan will continue towards meeting these goals of political stability and economic reconstruction in a credible, inclusive and transparent manner. It is our expectation that this will enable the Afghan Government to have a greater say in confronting the challenges emanating from those constituting a threat to the peace, security and stability of Afghanistan.

It is critical that all sanctions regimes established by the Security Council be fair and transparent in their functioning. They must ensure due process in their working procedures and decision-making. The enhancement of the powers of the Ombudsperson and reforms in de-listing procedures are important steps in that direction. We must ensure that these function in a manner that strengthens our counter-terrorism capacities and that they do not have implications for the functioning of other sanctions regimes.

We have repeatedly expressed our concern in the Council that the functioning of the Committee established pursuant to resolution 1267 (1999) has

been subject to political pulls and pressures. This is a scenario that we can ill afford in our fight against terrorism.

Given the enormity and seriousness of the threat of terrorism, the international community should ensure that it does not in any way dilute or weaken the global legal regime to combat it. There is in fact a continuing urgency to strengthen it and make it more comprehensive and effective.

The process of listing as well as de-listing needs to be guided by the same set of principles: fairness, credibility and transparency. Only then would it be ensured that the sanctions lists are really effective. We hope that, as we move forward, we keep this critical requirement uppermost in our minds.

The work of the monitoring team has documented the fact that there are linkages between Al-Qaida and the Taliban. This is a serious matter and needs to be handled with the utmost vigilance. Taliban groups connected with Al-Qaida pose a continuous threat to peace and security in our region.

Before I conclude, I should like to join another of my colleagues who earlier, in preparing for this afternoon's meeting, referred to the haste in which we have had to move and to difficulties in translation. Just before I took the floor, my attention was drawn to what could be only a small typographical issue but that will nevertheless need to be corrected. I find a difference between the final text that was agreed to when the negotiations ended and what was put in blue. I refer here to the language in the nineteenth preambular paragraph of document S/2011/368, which refers to entities that meet the criteria for listing set forth in the draft resolution. In the blue version, the references to paragraphs 4 and 3 have been reversed. I believe that this can be fixed in a correction. I have been assured that this is not a reopening; it is just something that was done in a hurry. I just wanted to state that for the record.

In conclusion, let me reiterate India's steadfast commitment to international cooperation in the fight against terrorism. To that end, it will be our endeavour to work for the effective implementation of these two regimes and their enhanced efficacy.

**The President** (*spoke in French*): The Secretariat has taken note of the observations made by the representative of India.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): In voting today to adopt these two resolutions, we are stating once again that the international community must not slacken its efforts to fight both Al-Qaida and the Taliban.

In supporting the policy of national reconciliation in Afghanistan, we are guided by the clear adherence of the Government and other parties to the conditions of the sanctions regime. It is necessary to adhere to the principle of the individual approach in the process of de-listing. Efforts must be made to accelerate the process of listing and de-listing.

Concerning the efforts of the Security Council to ensure greater transparency in the context of the sanctions against Al-Qaida, we are convinced that these must be carried out keeping in mind the real nature of the serious and continuing threat posed by Al-Qaida, in a spirit of seriousness and with continued vigilance against that threat.

We are satisfied at the fact that the resolutions contain provisions that maintain the control of the Council over the process of de-listing with respect to those members of Al-Qaida that have had a change of heart.

**Mr. Araud** (France) (*spoke in French*): I should like to thank the United States delegation for its efforts, which have allowed us today to adopt two important resolutions that my country was pleased to co-sponsor.

With the ambitious reform of the sanctions regime established by resolution 1267 (1999), I think that we have achieved our objective: to improve the effectiveness of the United Nations sanctions regime as a tool for fighting terrorism and strengthening its legitimacy. The establishment of two separate sanctions regimes makes it possible to adapt our tools to a threat that has been constantly changing for 10 years and that will continue to evolve after the death of Osama Bin Laden.

The links between Al-Qaida and the Taliban have not disappeared, but they are not the same as in 1999. We must draw lessons from this. In encouraging the Taliban to join the inter-Afghan reconciliation process, the new sanctions regime will contribute to the efforts that the Afghan Government, with the support of the international community, is making in order to reach a political solution to the conflict in Afghanistan.

The improvements made to and the guarantees included in the sanctions regime against Al-Qaida allow us to respond to the criticisms that have been made, including by judicial authorities in Europe and elsewhere. The strengthening of the powers of the Mediator, greater transparency and flexibility in deciding on possible de-listings create conditions for a procedure that more equitable. Our determination to fight terrorism remains intact. With these two regimes, we have a tool that is commensurate with our ambitions and that is adapted to the current state of the terrorist threat.

**Mr. Moraes Cabral** (Portugal): The adoption of resolutions 1888 (2011) and 1889 (2011) represents another important step in the Council's firm stance to counter terrorism. We consider that the separation of the two regimes will facilitate the advance of a comprehensive political process in Afghanistan in support of national reconciliation among all citizens who have rejected terrorism and who hope for a peaceful political resolution of the continuing conflict, which will enable them to build a stable and democratic State.

We also believe that the decisions taken today will advance both regimes and allow for a more efficient management of the existing mechanisms while improving the legal framework that supports action taken by the international community in this context.

We particularly highlight the improvements made in the review by the Committee of the situation of listed individuals, the further efforts stressing the preventive nature of the restrictive measures imposed, and a strengthening of the role of the Ombudsperson in the whole system of guarantees that are granted to individuals requesting de-listing.

We welcome the important and serious work undertaken by the Ombudsperson, Ms. Kimberly Prost, which was essential for the Council to be able to move forward in adopting these resolutions. They represent a decisive improvement in a mechanism that was conceived to address the need for fairer and clearer procedures when applying sanctions to individuals. The more streamlined decision-making process aiming at overcoming recurrent deadlocks resulting from the consensus rule, the recognition of the need to strengthen the capacity of the Ombudsperson, the access to relevant information and the process of

consideration of its recommendations are all important improvements in the regime. The Ombudsperson is now in a better position to play a crucial role in assisting individuals in the process of reviewing their cases.

While welcoming these positive developments, we should have expected the Council to go further with respect to some specific issues, in particular regarding the time limits or the so-called sunset clause. Moreover, in our view, the Ombudsperson should also be called on to play an active role in the context of the resolution on Afghanistan when referring to individuals and entities seeking de-listing, and we hope that the Council will have the opportunity to revisit this important issue in the near future.

Portugal will naturally work actively in the Committees for the full implementation of these resolutions, with the aim of ensuring their swift implementation, not losing sight of their important objectives for peace, stability and security in Afghanistan and the fight against terrorism, but also keeping in mind the need to ensure fairer and clearer procedures that increase credibility and facilitate enforcement and the overall efficacy of the sanctions regimes.

**Sir Mark Lyall Grant** (United Kingdom): I would like to thank the United States Permanent Mission for its hard work in steering the successful adoption today of resolutions 1888 (2011) and 1889 (2011). I also commend the efforts of all Security Council members over the last few weeks.

Today the Council has taken an important step in strengthening one of its key tools in the fight against terrorism. We have adopted a new sanctions regime targeting the insurgency in Afghanistan and a second targeting the terrorism threat posed by Al-Qaida. In effect, we have split the old 1267 Al-Qaida and Taliban sanctions regime into two.

Creating a new and separate regime for Afghanistan is an important step. It sends a clear signal that now is the time for the Taliban to come forward and join the political process. It also allows for more specific procedures tailored to the situation we face today in Afghanistan. The resolution introduces broader listing criteria and a greater role for the Afghan Government in consultation on listing and de-listing decisions. It also explicitly links de-listing individuals with the Kabul communiqué's reconciliation conditions

of renouncing violence, cutting ties with Al-Qaida and accepting the framework of the Afghan Constitution. We are pleased that the Government of Afghanistan supports this initiative and welcome its continued engagement in the implementation of sanctions that counter the insurgency.

Let me now turn to the Al-Qaida resolution. Here we have enhanced procedures to ensure that they continue to be clear, fair and effective. We have renewed and strengthened the role of the Ombudsperson and we have improved de-listing procedures by introducing two so-called sunset clauses.

In particular, we have agreed in today's resolution to strengthen the capacity of the Office of the Ombudsperson, which demonstrates the Council's unanimous support for this important role. We have agreed that Member States should provide all relevant information to assist the Ombudsperson in carrying out reviews of de-listing requests, including, where appropriate, classified information. We have also introduced stronger language, urging designating States to allow the Ombudsperson to reveal their identity to petitioners.

In addition, the Ombudsperson will now be able to make recommendations to the sanctions Committee on whether individuals and entities should be de-listed. A recommendation to de-list an individual or entity will trigger a sunset clause, which will make it more straightforward to de-list individuals and entities which no longer constitute a threat, while ensuring that those who do continue to pose a threat remain listed. We have also agreed on an additional sunset clause, triggered by a de-listing request from a designating State. Finally, we have further improved de-listing procedures by clarifying the need for Member States to provide reasons when proposing or opposing de-listing requests.

The combined changes to both resolutions adopted today constitute a significant step forward in ensuring that sanctions respond to current terrorist threats, adapt to the new situation in Afghanistan and continue to ensure fair, clear and effective procedures.

**The President** (*spoke in French*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

*The meeting rose at 3.50 p.m.*



## Security Council

Distr.: General  
17 June 2011

Original: English

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### Official communiqué of the 6558th (closed) meeting of the Security Council

**Held in private at Headquarters, New York, on Friday,  
17 June 2011, at 3.45 p.m.**

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

“On 17 June 2011, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 6558th meeting in private with the troop- and police-contributing countries to the United Nations Disengagement Observer Force.

“The Security Council and the troop- and police-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations.

“Members of the Council, Mr. Weisbrod-Weber and representatives of participating contributing countries had an exchange of views.”





# Security Council

Sixty-sixth year

Provisional

## 6559<sup>th</sup> meeting

Monday, 20 June 2011, 10 a.m.

New York

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|                   |                                                            |                        |
|-------------------|------------------------------------------------------------|------------------------|
| <i>President:</i> | Mr. Messone .....                                          | (Gabon)                |
| <i>Members:</i>   | Bosnia and Herzegovina .....                               | Mr. Barbačić           |
|                   | Brazil .....                                               | Mrs. Dunlop            |
|                   | China .....                                                | Mr. Wang Min           |
|                   | Colombia .....                                             | Mr. Osorio             |
|                   | France .....                                               | Mr. Araud              |
|                   | Germany .....                                              | Mr. Wittig             |
|                   | India .....                                                | Mr. Hardeep Singh Puri |
|                   | Lebanon .....                                              | Mr. Salam              |
|                   | Nigeria .....                                              | Mr. Onemola            |
|                   | Portugal .....                                             | Mr. Moraes Cabral      |
|                   | Russian Federation .....                                   | Mr. Churkin            |
|                   | South Africa .....                                         | Mr. Mashabane          |
|                   | United Kingdom of Great Britain and Northern Ireland ..... | Sir Mark Lyall Grant   |
|                   | United States of America .....                             | Ms. Rice               |

### Agenda

Reports of the Secretary-General on the Sudan

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This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-37934 (E)



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*The meeting was called to order at 10.40 a.m.*

#### **Adoption of the agenda**

*The agenda was adopted.*

#### **Reports of the Secretary-General on the Sudan**

**The President** (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Thabo Mbeki, Chairperson of the African Union High-Level Implementation Panel on the Sudan, and Mr. Haile Menkerios, Special Representative of the Secretary-General for the Sudan, to participate in this meeting via videoconference from Addis Ababa.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Ezekiel Lol Gatkuoth to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Mbeki.

**Mr. Mbeki:** We will give a very brief and, I hope, succinct report about what is happening with regard to various matters relating to the Sudan.

We would first like to inform the Council that, happily, within the past hour, the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) signed an agreement on Abyei. As the Council is aware, we have been negotiating that agreement with them for several days, but now the agreement has finally been signed.

Indeed, both parties have asked us to commend the agreement to the Security Council. I am quite sure that, when the Council looks at the agreement, members will see that the parties are requesting various interventions by the United Nations with regard to the implementation of that agreement. We would certainly like to very strongly commend the agreement.

We hope that the Council will consider the agreement as soon as possible, in particular with regard to matters that will result in the demilitarization of Abyei and the replacement of all Sudanese military forces by forces to be supplied by the Government of

Ethiopia. We would like for that to happen as quickly as possible because, among other things, it will enable the people displaced from Abyei to return to their homes. Their return is conditional on the withdrawal of all other military forces, the demilitarization of the Area and the replacement of the Sudanese military forces by the Ethiopian forces.

As I was saying, that would expedite the return of those displaced to their areas and would therefore improve the possibility of addressing all humanitarian matters. Of course, it would also bring to an end the threat of violence and actual violence in the Area. Thus, we are really hoping that the Security Council will look at the agreement as soon as possible and take all decisions necessary to ensure that its various provisions can be implemented.

We would also like to inform the Council that we are dealing with the current situation in Southern Kordofan. Again, as the Council may have heard, the Special Representative of the Secretary-General to the Sudan, Mr. Haile Menkerios, as well as ourselves, the United States Special Envoy and members of the political leadership of the SPLM from northern Sudan went to Southern Kordofan last week to meet with the leader of the Sudan People's Liberation Army, Abdel Aziz Al-Hilu. Our objective was to encourage them to participate in a process that would peacefully resolve the conflict in Southern Kordofan. We were very fortunate to be able to immediately travel back to Addis Ababa with people whom he delegated to participate in those negotiations.

We are hoping that, with the arrival tomorrow morning in Addis Ababa of senior political leaders representing the people of Southern Kordofan and Blue Nile states and representatives of the Sudanese Government, we will seriously engage in comprehensive negotiations on Southern Kordofan. Those talks will relate to the security and the political situation and will begin tomorrow.

Special Representative of the Secretary-General Haile Menkerios has also been engaging with the Government of the Sudan on the need to urgently address the humanitarian situation in Southern Kordofan. I am quite sure that he will be able to report on that. Indeed, I believe we have positive news with regard to that matter as well. We are hoping to move on the matter of Southern Kordofan so as to immediately address the humanitarian situation. We also hope to

begin urgent and comprehensive discussions on the issue tomorrow to finally resolve its political and security aspects.

Of course, we are also continuing negotiations with the Sudanese parties on post-referendum arrangements, which mainly involve how relations between the North and the South will be structured once South Sudan gains its independence on 9 July. I am very pleased that good progress is being made. We have already finalized discussions on assets and liabilities, which include provisions for addressing the issues of Sudan's international debt. That particular series of negotiations has been concluded.

We have presented the parties with an agreement comprised of a package of measures relating to the economy, covering such issues as trade, currency and oil. The parties now have a comprehensive proposal and will be studying it beginning tomorrow. Hopefully, if we can agree on that proposal, then we will have resolved the matters related to cooperation between the North and the South on economic issues.

The parties are close to also concluding discussions on and resolving security matters, which broadly include border security. In reality, the one outstanding issue is the size and composition of an international force that will assist the two Sudanese States in ensuring security along their shared border, including the policing of the demilitarized zone, to which they have already agreed.

What I am trying to say to the Council is that we are attending to the urgent matters of Abyei and Southern Kordofan, where conflict has arisen. At the same time, however, we are pushing ahead with other necessary discussions in order to properly define the nature of relations between the North and the South. We are hoping that by the end of June we will have concluded all of these, so that by the beginning of July there will be a clear picture as to what will happen.

I should have said that, with regard to the Abyei matter, it has also been agreed by the parties that it was necessary to resolve the current issues that relate to the security of Abyei before we come back to a consideration of the matter of the final status of Abyei. As a Panel, we will be consulting with the principals, President Al-Bashir and First Vice-President Salva Kiir, as to when they propose we might make our presentation to them about what the final status of Abyei should be. Given that this agreement has now

been reached and, as I was saying, hopefully will be implemented quickly, we can then engage them on the matter of the final status of Abyei.

That is the report we wanted to give. Again, we would like to thank the Security Council for the attention it is paying to the issue of the Sudan, and we hope that it will continue to extend to all of us — the Special Representative of the Secretary-General, ourselves and everyone else, and, of course, the Sudanese parties — all of the assistance and the support that we need to ensure that we can resolve all of these particular challenges, which are facing an important part of our continent.

**The President** (*spoke in French*): I thank President Mbeki for his detailed briefing.

I now give the floor to Mr. Haile Menkerios.

**Mr. Menkerios**: Since the Security Council was in the Sudan recently, I will focus only on the developments that have taken place since the Council's visit.

First, with respect to the security situation, President Mbeki spoke at length about the events in Abyei, which up until this agreement remained just as it was, with some exchanges around the Kiir River between the parties. Hopefully today's agreement will bring that to an end, but to date the situation remains very tense indeed.

President Mbeki also talked about the security situation in Southern Kordofan, where fighting is ongoing. There is hope, however, since, as was explained, the two parties have agreed that possibly it could come to a stop within a very short time. We are hoping that this cessation of hostilities will be followed by a ceasefire once a political agreement and a security arrangement for the Sudan People's Liberation Movement (SPLM) members in Southern Kordofan, and by implication in Blue Nile State as well, have been reached.

In the meantime, also in the South, some sporadic fighting continues in the northern part, particularly in Unity State and Jonglei State in Southern Sudan. Much of that is going to slow down a little bit, because now the rains have come and people's capacity to move is limited. However, these types of confrontations continue to occur around Abyei, the situation remains tense in Southern Kordofan, with a lot of territory having changed hands. In the northern part of the

South itself, armed groups have created a very difficult humanitarian situation.

Because there is active fighting, it has not been easy to obtain humanitarian access across active firing lines. However, we have agreed today with Mr. Mutrif Siddiq, State Minister at the Ministry of Humanitarian Affairs of the Sudan, that we will have access to most of those areas where very, very critical humanitarian situations exist. In some of those areas, some of our own staff are also trapped on either side, and, because they are around the firing zone, we have not been able to access them easily. Much of our supplies, including humanitarian supplies, generally come through Port Sudan; they come to the North and then, from the North, move towards the South; hopefully they will arrive on 9 July. That will not be tremendously hampered, but we are making plans on how that may have to shift to a later date.

Up to now, they have agreed in principle. I have been here about a week trying to assist the African Union High-level Implementation Panel (AUHIP) to secure this agreement on Abyei and to work towards a ceasefire also, but I will be leaving either tonight or early tomorrow morning. We will try to implement what the officials, particularly in the area of humanitarian access, have agreed to here.

Next are preparations for the possible mission in the South, which we talked about when the Security Council mission was here. This is going well. Much of the assets that we envisage might be required for that mission. We are in the process of passing over to the South from the North.

The other issue is Abyei. Now that there is an agreement, the two parties have agreed on Ethiopian troops, which are trusted by both sides. The role played by Prime Minister Meles Zenawi in assisting the Panel and the parties in the provision of troops is highly appreciated, and hopefully once the Council responds positively to the request by the parties that President Mbeki has just transmitted, upon instruction of the Council we will be ready to assist in the quick deployment of those Ethiopian troops to Abyei, so that the South can withdraw in a very short time and those who have been displaced from Abyei can return home. The rainy season is coming very soon, and the sooner the Council gives instructions, the sooner we will move to get the Ethiopian troops in place, so that this can be done quickly, before the rains fill the rivers and it

becomes impossible for any form of transport to travel in that area.

There is a possibility of border monitoring. The two parties have discussed this and have accepted in principle the need for a third party in border monitoring. There has been a suggestion by the AUHIP that, if there is going to be a border-monitoring mission, such a mission be a United Nations mission and that it be integrated. Abyei and the border mission to be established would be integrated under one leadership so that there would not be compartmentalized missions, with, for example, one for Abyei, one for the border and one for the South, so as to avoid multiplicity. In principle there has not been any negation or any opposition to that, although as yet there is no firm agreement on this issue from the parties.

We felt, however, that although we will use some of our assets in support of a possible Abyei mission, as described, there is also a possibility that those support units will support a possible border mission that would later be integrated with that of Abyei. We are thus in the process of liquidating all other UNMIS presence in northern Sudan. Because of the tensions that still exist and the need for constant monitoring, we have informed the Government of the Sudan that until the last day, until 9 July, UNMIS will be fully operational and that the process of liquidation, if it is to take place — unless other agreements would change that — would have to start after 9 July and provide adequate time for liquidation.

There will also be a need, post-UNMIS, to continue to assist the AU Panel at the political level. There are many other partners who are participating or continuing to assist — the Intergovernmental Authority on Development, the African Union and individual countries — and it has been proposed that the Secretary-General appoint his Special Envoy to continue to provide his good offices in support of the AUHIP.

Let me stop here, and I will be ready to answer any questions Council members may have.

**The President** (*spoke in French*): I thank Mr. Menkerios for his briefing. I now give the floor to the representative of the Sudan.

**Mr. Osman** (Sudan) (*spoke in Arabic*): We have just heard the good and positive news from Mr. Thabo

Mbeki of a temporary agreement with respect to the administration and security of the Abyei Area.

I am pleased on this occasion to welcome the conciliation efforts of Mr. Mbeki and Mr. Haile Menkerios and their joint efforts to achieve these temporary arrangements for the Abyei Area. Moreover, I would like to thank Mr. Meles Zenawi, Prime Minister of Ethiopia, for his effective role in achieving this agreement. Our thanks and appreciation extend to those three African brothers, who have shown their tireless commitment. The announcement leads us to believe optimistically that the pending issues will be resolved. As I mentioned earlier, the Government of the Sudan is sincere in its determination to resolve all pending issues.

Mr. Mbeki described to the Council the good news in the area of resource-sharing, and he announced that the parties are close to an agreement on this issue. In the context of the economic and oil issues, we have also heard excellent news, namely, that the parties have reached major solutions and that those agreements will be finalized very soon. Moreover, on the security situation, especially in the border area, the parties are very close to a solution that will be announced in the very near future. We wish them every success in that endeavour. We look forward to a resolution of that issue as well as the pending issues related to the Abyei Area.

While I will not go into further detail, I would like to underscore a few points. The Government of the Sudan welcomes the work of the United Nations and the Security Council and requests that reactions related to the issues be tempered and slowed down somewhat, so that efforts under way may put an end to all of the pending issues.

With respect to Southern Kordofan State, I am speaking on the basis of my personal and direct contacts, and not on the words of Mr. Menkerios. Although the Government has not yet accepted the agreement to permit humanitarian access to Southern Kordofan it is perhaps on the verge of doing just that. In line with Mr. Mbeki's comments, tomorrow or the day after tomorrow, consultations and contacts will take place among the various parties in Southern Kordofan State to achieve a solution of this pending issue. I can reaffirm to the Council that the Government of the Sudan, just as it has achieved an agreement on the Abyei Area, is determined to achieve

an agreement on Southern Kordofan State and all other pending issues.

Permit me to stop here, with many thanks.

**The President** (*spoke in French*): I thank the representative of the Sudan for his statement. I now give the floor to Mr. Gatkouth.

**Mr. Gatkouth:** I am so grateful for the opportunity to address the Security Council and to present the views of the Government of Southern Sudan. On behalf of the people and the Government of Southern Sudan, I would like to express our appreciation to the Council for its ongoing efforts in support of the implementation of the Comprehensive Peace Agreement (CPA).

In 2005, we all embraced the CPA as the framework and road map for the resolution of the conflict in the Sudan. The Government of Southern Sudan remains committed to the full and final implementation of the CPA in all of its aspects. The CPA is a legal agreement binding on the parties, and we must all collectively renew our efforts to implement it in full.

We are concerned that recent violations of the CPA by the Government of the Sudan through armed attacks and destabilization efforts in the South, its failure to work in good faith to complete implementation of the existing agreements on Abyei's final status, the stalling of efforts to define and demarcate the North/South borders, and the failure to conduct the popular consultations in Southern Kordofan and Blue Nile have put at risk the emergence of two States at peace after 9 July 2011.

Today, we face a situation where the Sudanese Armed Forces have taken Abyei and have violently driven out its residents. The Sudanese Armed Forces have now turned their attention to Southern Kordofan, which, as a result, is experiencing a disturbing level of violence, a humanitarian crisis and unnecessary suffering. Khartoum has recently conducted aerial bombardment of Agok, where many of Abyei's displaced have fled, and has also conducted other bombardments inside Southern Sudan, such as in the area of Jau, in Unity State.

Despite suggestions to the contrary, it is increasingly clear, given the speed and scale of the operation, that the attack by the Sudan Armed Forces on Abyei was part of a deliberate plan conceived prior

to 19 May 2011. While the Government of Southern Sudan regrets the 19 May shooting incident that led to an exchange of fire between the Sudan People's Liberation Army (SPLA) and the Sudan Armed Forces in the Abyei Area, the use of force by Khartoum in Abyei has been completely unjustifiable and wholly disproportionate. It is an attempt to circumvent the full and final implementation of the Comprehensive Peace Agreement (CPA) and to secure by force that which it has not secured at the negotiating table or in the binding award of an international tribunal.

The humanitarian impact of the violence in Abyei has been catastrophic. Khartoum's actions have caused enormous harm to innocent civilians, constituting a serious violation of international human rights and humanitarian law. Tens of thousands of NgokDinka civilians have been driven from their ancestral homes in Abyei, as the United Nations itself has confirmed. The Sudan Armed Forces, accompanied by armed Misseriya militia, have indiscriminately killed and maimed civilians, torched people's houses, looted property and possessions — including United Nations humanitarian supplies — and facilitated and encouraged the influx of Misseriya into northern parts of the Area. We call on the United Nations to share its more detailed reporting on these violations with the international community.

This attempt to alter Abyei's demography by force is unacceptable and must be reversed immediately. The National Congress Party cannot be allowed to defy its legal obligations under the Abyei Protocol of the CPA or its obligations under international law. Unless the NgokDinka civilians are able to return to their homeland, it will be difficult to hold the referendum required by the CPA.

Despite this disturbing context, I am pleased to report that the parties have just signed an agreement in Addis Ababa aimed at securing the immediate withdrawal of the Sudan Armed Forces from Abyei and the entrance of an Ethiopian brigade to protect civilians. In this context, we are grateful for the ongoing support of the African Union High-level Implementation Panel, under the leadership of President Thabo Mbeki, and to the Special Representative of the Secretary-General, Haile Menkerios, and Prime Minister Meles Zenawi for their efforts.

The Government of the Sudan has said that its presence in Abyei is not forever. A timetable for the North's full and unconditional withdrawal from Abyei must now be implemented swiftly. The Government of Southern Sudan welcomes and endorses the offer made to the parties by the Government of Ethiopia regarding the deployment of Ethiopian peacekeepers in Abyei under a United Nations Security Council mandate and operating under Chapter VII of the United Nations Charter.

The consent to this deployment by the Government of the Sudan is consistent with its commitments under the CPA. We strongly encourage the Council to endorse a Chapter VII mandate for those forces, and to supply them with the necessary resources to ensure they are deployed within the next two weeks, as outlined in the Agreement.

The Agreement we have just signed does not — and indeed, should not — attempt to address or prejudice any outcome on the final status of Abyei. With the recent changes, we are confident that the Agreement will be used only for its intended purpose of restoring peace to Abyei, and not to fuel tensions or to prejudice discussions on the final status of Abyei.

In the interest of peace, my Government made a number of other concessions on issues such as transferring the leadership of the Abyei Area Legislative Council to the National Congress Party, and the composition and leadership of the proposed Abyei Joint Oversight Committee.

Under the Agreement, the illegal claim over Abyei on the part of the Government of the Sudan will end. The Abyei Area will no longer have a special administrative status under the presidency of the Republic of the Sudan but rather will fall under the supervision of both the President of South Sudan and the President of the Republic of the Sudan. We reiterate that Abyei belongs to both the North and the South, and it will so continue until the people of Abyei decide otherwise. The Government of Southern Sudan remains fully committed to the negotiation process led by the African Union High-level Panel and to reaching in the near future an agreement on the definitive status of Abyei that is consistent with the terms of the CPA and with the PCA Award.

There are crucial obligations in the CPA that have not yet been fulfilled and that are still subject to ongoing implementation efforts — for example, the

Abyei referendum, the arrangements for the Southern Kordofan and Blue Nile States, and the finalization of the definition and demarcation of the North/South border.

With regard to the Two Areas — Southern Kordofan and Blue Nile — my Government denounces the violent attacks of the Sudan Armed Forces on populations in Southern Kordofan that have caused a second humanitarian crisis in which tens of thousands from the area have now joined the NgokDinka in their flight to the South. We welcome the international community's condemnation of those activities and its assistance with humanitarian support for those displaced.

We reject as unrealistic and inconsistent with the terms of the CPA the insistence by the Government of the Sudan that SPLA elements in the areas must disarm or move to the South. It is that uncompromising position — as articulated in the ultimatum presented recently to SPLA elements in these areas to withdraw southwards by 1 June or face action — that has led to the recent violence. Khartoum cannot continue to address political challenges with violence.

We contend that any forces deployed in the two areas were deployed in accordance with the CPA, in fulfilment of the requirement to form Joint Integrated Units (JIUs). Under the CPA, these JIUs are to remain in the areas until after the end of the interim period. Therefore, any presence of SPLA forces in Southern Kordofan and Blue Nile is consistent with the CPA. The forces in question are from the two areas and must stay where they are. Additionally, over 45,000 SPLA forces from the two areas are currently in the South, and arrangements will need to be made for them to return to the North.

The legitimate concerns of the local populations of these areas, including those forces, must be addressed through the processes agreed to in the CPA. The popular consultations include not just a process of assessing the will of the people of these two areas, but also a negotiation with the national Government to resolve outstanding concerns and grievances. The implementation of this outstanding CPA requirement will increase the likelihood of continued peace and stability both along the shared border and within Northern Sudan after 9 July. We are willing to engage with Khartoum in support of those processes.

In the meantime, war is raging in Southern Kordofan. We ask the Security Council to insist on the immediate signature of an agreement to end hostilities. Khartoum must also allow access to humanitarian agencies to help those who have been displaced. Without immediate and firm action on the part of the Security Council, the situation in Southern Kordofan risks degenerating into ethnic cleansing and possibly genocide.

It is clear that only in the framework of the CPA can peace in the Sudan be guaranteed. It is only through the Security Council's insistence upon full CPA implementation that threats to international peace and security can be averted. While the interim period of the CPA may end on July 9, the outstanding CPA commitments regarding Abyei, the two areas and the North/South borders live on. Resolution of those outstanding issues is the cornerstone of maintaining peace between the North and the South, and it is critical to ensuring the mutual viability and security of the two nations after 9 July.

Furthermore, the parties agreed in the CPA to a United Nations mission to monitor the Agreement's implementation. The parties agreed

"that the presence and size of the United Nations peace support mission shall be determined by the implementation timetable of [the] Agreement ... and shall gradually phase out with successful implementation of the timetables, increased confidence building and commitment of the parties towards the implementation of [the] Agreement."

In accordance with the provisions of the CPA, the Government of the Sudan's consent to an ongoing United Nations mission cannot be withdrawn until such a time as the obligations contained in the CPA have been implemented in full by the parties, or only by the mutual agreement of the two parties.

We reject any suggestion that the CPA has already been fully implemented, and stress therefore that the United Nations presence in the three areas of Abyei, Southern Kordofan and Blue Nile — as well as in the border areas between the North and the South — must continue, pending the final resolution of the outstanding issues under the CPA. It would also be entirely inconsistent with existing Security Council mandates and the United Nations commitment as a signatory and guarantor of the CPA for the United

Nations mission to be withdrawn prior to the full and exhaustive implementation of the Agreement.

An overriding concern of my Government is to ensure the ongoing and unwavering support of the United Nations for North-South security arrangements, particularly in the border areas. We reiterate our belief that the main objective of the United Nations should be to support the full implementation of the CPA and to avoid a security vacuum after 9 July. We welcome the Security Council's support in its recent presidential statement for a continued United Nations-mandated presence in Abyei, Southern Kordofan and Blue Nile after 9 July (S/PRST/2011/12), as well as its support for United Nations assistance for the parties' management of their shared border after the independence of Southern Sudan.

In this context, we support the option of a demilitarized buffer zone between the North and the South that was discussed recently by the parties in Addis Ababa. We note that the need for continued third-party support for North-South security is separate and additional to the peacekeeping tasks outlined in the Secretary-General's recent special report on the Sudan (S/2011/314).

We reiterate that this current situation must be addressed by the Council in the context of the legal framework agreed by the parties in the CPA. Any premature movement away from the CPA would only encourage the resolution of differences by brute force, which would of course come at an enormous economic, social and, above all, human cost. We therefore urge the Council to call for the full and immediate implementation of the agreement to withdraw all Sudanese Armed Forces troops from Abyei; the immediate return of the displaced populations to Abyei under United Nations protection; the full implementation of all CPA provisions with respect to Abyei; the holding of the popular consultations in both Southern Kordofan and Blue Nile states; the complete demarcation of the North-South border; an immediate ceasefire in Southern Kordofan; and the granting of humanitarian access for United Nations and international organizations into the area.

Our fundamental hope and desire is to see peaceful coexistence between the two neighbouring States of Sudan and South Sudan. We are striving to build a future in which our two countries can work cooperatively, live in peace with one another and strive

for the mutual viability of both of our two nations. We look forward to South Sudan being welcomed next month as a member of the international community, and sincerely appreciate the international community's efforts to help both the Sudan and South Sudan achieve the peace and stability that our citizens desire and deserve.

**The President** (*spoke in French*): I thank Mr. Gatkuoth for his statement.

I shall now give the floor to the members of the Security Council.

**Ms. Rice** (United States of America): We welcome the news that the parties have just signed an agreement on temporary administrative and security arrangements for Abyei and on the withdrawal of Sudanese Armed Forces. We are encouraged by this news. We greatly appreciate the intensive efforts of former President Thabo Mbeki and the African Union High-Level Implementation Panel over the past two weeks to assist the parties in their negotiations.

Now comes the crucial task of full and timely implementation. The Security Council will closely monitor adherence with its statements and the progress towards rapidly ensuring that the terms of the Addis Ababa agreement are swiftly fulfilled. We want to underscore the urgency of Ethiopian troops deploying immediately to Abyei, as the agreed interim security force, under United Nations auspices, and on the timeline agreed to by the parties.

We also thank Prime Minister Meles Zenawi for his extraordinary efforts and commitment to resolve the crisis in Abyei and for his agreement to provide Ethiopian troops. I also want to extend our gratitude to Special Representative of the Secretary-General Menkerios for his continued and intensive efforts throughout this process. The United States will soon circulate a draft resolution for the Council's consideration to authorize the creation of this proposed interim security force for Abyei.

Unfortunately, the situation in Abyei is by no means the only crisis facing the people of the Sudan. We are less than three weeks away from the independence of South Sudan, and the situation in the Sudan poses an urgent threat to the safety and security of the Sudanese people, as well as a threat to international peace and security, that continues to merit the Council's sustained attention and resolve.

On 5 June violence broke out in multiple areas of Southern Kordofan, including its capital Kadugli. The reports my Government has been receiving of the ongoing fighting are horrifying, both because of the scope of human rights abuses and because of the ethnic dimensions to the conflict. The Sudanese Armed Forces have shelled and bombed the areas around Kadugli, ongoing and intense aerial bombardments threaten the lives of civilians and United Nations personnel and a bomb fell just 100 metres from the compound of the United Nations Mission in the Sudan (UNMIS) in Kauda. The Sudanese Armed Forces have threatened to shoot down UNMIS air patrols and they have taken control of the airport in Kadugli and refuse landing rights to UNMIS flights — which has continued for so long the United Nations staff located in the compound and United Nations team sites are running dangerously low on food and supplies.

The lack of access for UNMIS is alarming and indefensible. UNMIS and humanitarian aid workers must be granted full access, most especially when so many are in need of food, water and humanitarian aid. According to the United Nations, more than 360,000 people have been displaced in the Sudan over the past six months. More than half were displaced in the past month. As many as 75,000 people have fled the fighting in Southern Kordofan. International non-governmental organizations operating there are evacuating their staff and a humanitarian crisis of enormous proportions is unfolding. Up to 10,000 people have sought refuge at the UNMIS compound in Kadugli.

The United States calls on both parties to facilitate access for UNMIS and humanitarian aid workers. We are also concerned that the Sudanese People's Liberation Army has deployed north of the 1 January 1956 border into Southern Kordofan, in violation of the Comprehensive Peace Agreement (CPA).

We have also received reports that forces aligned with the Government of the Sudan search for Southern forces and sympathizers, some of whom they have arrested and allegedly executed. We have received further allegations — not yet corroborated, but so alarming that I must mention them — that the Sudanese Armed Forces are arming elements of the local population and placing mines in areas of Kadugli. The United States condemns all acts of violence,

especially those that target individuals based on their ethnicity or political affiliation.

Security services and military forces have reportedly detained and summarily executed local authorities, political rivals, medical personnel and others. These acts could constitute war crimes or crimes against humanity. We demand that the perpetrators immediately halt these actions and be held accountable for their crimes. We call on the United Nations to fully investigate these incidents, and request a report from the Secretary-General to the Council by the end of June that details any human rights abuses that were committed during recent hostilities in Abyei and Southern Kordofan.

We are deeply concerned by reports that members of the Sudan People's Liberation Army have threatened the safety of persons of Arab origin in Southern Kordofan, including United Nations staff. We insist that the Sudan People's Liberation Army's leadership condemn such actions and refrain from any reprisals.

The Government of the Sudan can prevent the crisis from escalating further by immediately stopping its military efforts to disarm the Sudan People's Liberation Movement in Southern Kordofan and by focusing on diplomatic efforts to peacefully resolve the conflict. The Sudanese Government should also cease trying to dissolve the joint integrated units in Southern Kordofan, which were established under the CPA. Security arrangements for Southern Kordofan and Blue Nile states should be agreed upon through direct high-level negotiations, and not dictated through the use of force.

We call for the Government of the Sudan and the Sudan People's Liberation Movement-North to agree immediately on a cessation of hostilities and to immediately end restrictions on humanitarian access and United Nations movements. It is essential that violence against civilians and humanitarian abuses stop, and stop now. The United States calls on both parties to end the conflict and to resolve the underlying issues in Southern Kordofan and in Blue Nile, as they are now beginning to do in Abyei.

Finally, we want to underscore the imperative for timely and candid assessments by the Council about the evolving situation, for which we crucially depend on the Secretariat. That is essential in order for us to be able to determine and to take the necessary actions to ensure that the United Nations can carry out its

mission. Contingents unwilling to carry out their mandate to protect civilians should not be part of that crucial mission.

Contingents under attack also need our back-up and support. With the failure of their Government to live up to its responsibilities, the Sudanese people have turned to the international community for protection. We have an obligation to provide it.

**Sir Mark Lyall Grant** (United Kingdom): I would like to thank President Mbeki and Special Representative of the Secretary-General Menkerios for their briefings and for the tireless work of the African Union High-Level Implementation Panel on the Sudan, the United Nations Mission in the Sudan (UNMIS) and the Office for the Coordination of Humanitarian Affairs in support of peace in the Sudan. We welcome the news that they have given us this morning that the parties to the Comprehensive Peace Agreement (CPA) have signed an agreement on interim security and administration arrangements for Abyei. That is an important step forward.

I note also the statements that Ambassador Osman and Mr. Ezekiel Lol Gatkuoth have made to the Council, reiterating the commitment of their Governments to a peaceful resolution in Abyei and Southern Kordofan and of outstanding CPA issues. The Council will hold them to those commitments, which must be delivered and implemented without further delay.

The signing of an interim agreement on Abyei is a necessary, but insufficient, step on the road to the full implementation of the CPA and to peace for all the Sudan because today, the Council meets amid violence and the threat of further conflict. In Southern Kordofan, escalating violence has led to the displacement of at least 60,000 civilians, including 30,000 to 40,000 from Kadugli town. Civilians elsewhere in Southern Kordofan state have suffered the effects of aerial bombardment by the Sudanese Armed Forces. We unreservedly condemn that, as we do summary executions and other abuses reportedly committed by both sides.

The United Kingdom calls on all parties immediately to cease fire, and for all crimes against civilians to be fully investigated and the perpetrators brought to justice. We urge UNMIS to do all it can to implement its Chapter VII mandate to protect civilians,

and remind the Government of the Sudan of its primary responsibility in that respect.

The humanitarian situation in Southern Kordofan is deeply concerning. The United Kingdom calls urgently on all parties to provide full and unimpeded access for UNMIS and for humanitarian workers. It is unacceptable that humanitarian access is being restricted by the closure of airspace, in particular, of Kadugli airport to the United Nations, roadblocks, the laying of landmines and the imposition of restrictions on other movement. Full humanitarian access must be provided now and steps must be taken to ensure that that is maintained after 9 July.

We welcome the fact that negotiations continue in Addis Ababa. All parties must commit to reaching agreement without delay on new security arrangements for Southern Kordofan state that will ensure the safety of the civilian population and that will enable them to express their views on the future governance through a credible and popular consultation process, as provided for in the CPA. New security arrangements for Blue Nile state must also be put in place. We call on all parties there to maintain calm.

In Abyei, we have seen little change on the ground. The Sudanese Armed Forces remain in control of the Abyei Area, in violation of the CPA. They must now withdraw, as demanded by the Council and stipulated in the Abyei agreement signed today. For now, the situation remains tense. Further clashes between the Sudanese Armed Forces and the Sudan People's Liberation Army (SPLA) have been reported, and Agok town has been shelled. The number of civilians displaced has now reached more than 100,000. The rains are setting in and humanitarian access is still not permitted.

Given the gravity of the situation, it is clear that the parties must implement their commitments under the Abyei agreement without delay. It was signed today following negotiations in Addis Ababa, under the auspices of President Mbeki, and included a commitment to withdraw all Sudanese Armed Forces, SPLA and other forces. The parties must also ensure that a ceasefire in Southern Kordofan is established and that new security arrangements for the two areas are set up. We welcome President Mbeki's confirmation that negotiations on that continue in Addis Ababa. The parties must also engage seriously and without further delay on the future status of Abyei

in line with the provisions of the CPA and the ruling of the Permanent Court of Arbitration in The Hague. That needs to be completed before 9 July, when South Sudan gains its independence.

We have repeatedly stated our belief that the security of both the Sudan and South Sudan would be greatly strengthened by a single United Nations presence in Abyei and in the two areas after 9 July, which could also support the parties in their management of the common border.

The events of the past few weeks show that such a presence will also be necessary to maintain international peace and security. Reports of 6,000 internally displaced persons gathering around the UNMIS headquarters in Kadugli for protection underline the risks that the civilian population faces if there is no continued United Nations presence after 9 July. We are ready and willing to enter a dialogue with both parties on that subject. We believe that there are clear benefits to the parties of a continued international presence to allow monitoring and verification of the agreements that they reach.

Today, 20 June, we are three weeks away from the independence of South Sudan. Amid the noise of conflict, we call on both CPA parties to reflect on the future that they want to deliver for their people. The statesmanship that delivered a peaceful referendum on 9 January is urgently needed now. Both parties must renounce violence and negotiate in earnest in order to provide a secure and prosperous future for their States.

**Mr. Wittig (Germany):** I also would like to thank President Mbeki and Special Representative of the Secretary-General Menkerios for their comprehensive briefings. I am also grateful for the statements made by the representatives of the Sudan and South Sudan, in which they reiterated their commitment to a peaceful solution of all outstanding issues related to the Comprehensive Peace Agreement (CPA).

Today, we received encouraging news. We welcome the agreement on temporary arrangements regarding Abyei achieved in Addis Ababa. We thank the Prime Minister Meles Zenawi, President Thabo Mbeki, the African Union Panel and Special Representative of the Secretary-General Haile Menkerios for their unremitting efforts to help the parties agree on the issue of Abyei and on solutions to the remaining CPA issues. Germany will continue to support those efforts.

The agreement on Abyei opens the way to addressing the pressing humanitarian issues. Now the focus is on implementation, which is the real litmus test. Of course, we will have to come back to the content and implications of the agreement just concluded in this Council, especially regarding the interim security force.

The other urgent matter is the situation in South Kordofan. The military escalation there is deeply troubling. We have just heard the latest reports of aerial attacks, tens of thousands of displaced persons, burned homes, looted United Nations facilities and lack of access for humanitarian aid. We strongly condemn the continuous fighting by the Sudanese Armed Forces and the Sudan People's Liberation Army, especially aerial bombardments and artillery shelling, and all attacks on the civilian population. The obstruction and intimidation of United Nations personnel are unacceptable and must stop.

In the same vein, humanitarian access has to be granted. We strongly urge the parties to the conflict to immediately cease hostilities and refrain from further violence. Further military action will have severe consequences for the whole political and social environment in the Sudan. We condemn the detention and abuse last Friday by the Sudanese Armed Forces in Kadugli of four unarmed peacekeepers who were on patrol to assess the situation in town. This is not acceptable.

We encourage the United Nations Mission in Sudan in its efforts to protect civilians affected by the hostilities, which requires a credible force posture. We reiterate our strong support for the Mission under the leadership of Special Representative Menkerios.

Remaining CPA issues must be resolved in a peaceful and negotiated manner and in the spirit of the Agreement. That includes not only a long-term definite agreement on the status of the Abyei region, but also an agreement on Southern Kordofan and Blue Nile. That is also the message that the German Foreign Minister will convey to both parties during his visit to the Sudan envisaged to begin on 22 June, which will bring him to Khartoum, Juba and Darfur.

The Security Council has a unique responsibility for the maintenance of peace and security in the Sudan. We must continue to support those interested in peace and good neighborly relations. We must stand united against spoilers of peace. We cannot accept that a

return to violence may become an option and that the parties might use proxies in order to destabilize each other. We must continue to follow the situation closely and consider the situation whenever developments on the ground so require.

**Mr. Mashabane** (South Africa): We wish to thank His Excellency Mr. Thabo Mbeki, Chair of the African Union (AU) High-level Implementation Panel for Sudan, for his comprehensive briefing to the Council. We would also like to thank Special Representative of the Secretary-General Haile Menkerios for his briefing. We welcome the presence at this meeting of Ambassador Osman of the Sudan and His Excellency Mr. Ezekiel Lol Gatkuoth of Southern Sudan, and we thank them for their statements.

South Africa welcomed the news of the signing of the agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLA) today in Addis Ababa. We congratulate the parties and commend them for their sustained and determined efforts to resolve the conflict in Abyei. We also take this opportunity to congratulate the Chair of the African Union High-level Implementation Panel, President Mbeki, and Special Representative Menkerios for their sterling and outstanding work done to facilitate the temporary agreement.

The deteriorating security situation in Abyei threatened the full implementation of the Comprehensive Peace Agreement (CPA) and potentially could have reversed the positive political gains registered thus far in the implementation of the CPA. The signing of the CPA ended decades of conflict and ushered in a new era of hope for the people of the Sudan. This hope was strengthened by the holding of a successful referendum and by the positive statements made by the leadership in both the North and the South, following the announcement of the referendum results.

Today, that hope has been renewed once again, as the parties to the CPA, with the facilitation of the AU High-level Implementation Panel and the involvement of Mr. Menkerios, came to interim agreements to resolve the conflict in Abyei. We welcome the agreement reached by the parties on the temporary administrative arrangements for the Abyei area, the withdrawal of the Sudanese Armed Forces and the Sudan People's Liberation Army from the Abyei area

and the deployment of an interim security force for Abyei composed of Ethiopian troops.

My delegation welcomes and commends the Government of Ethiopia for generously agreeing to contribute troops for the implementation of this security arrangement. We note that this agreement does not substitute for or prejudice future outcomes on negotiations on the final status of Abyei, and we encourage parties to continue the negotiations with the same resolve and determination as they have shown until now.

It is my delegation's view that the Council's positive response to the request contained in the interim agreement will be crucial. For our part, South Africa will do everything it can to assist in and ensure the full implementation of the temporary agreement.

Regrettably, in the view of my delegation, the current developments in Southern Kordofan increase tensions between the parties, threaten to derail the post-referendum negotiations and introduce a dire period of uncertainty as the South prepares for independence. My delegation is gravely concerned about the security situation in Southern Kordofan, which, in its view, increases the tension.

My delegation is gravely concerned about the situation and the clashes between the Sudanese Armed Forces and the Sudan People's Liberation Army that took place on 6 June. We are equally concerned about the decision to terminate all Joint Integrated Units in the Southern Kordofan and Blue Nile States and the instruction to deploy all SPLA forces in the two States south of the border.

Reports of aerial bombardments leading to the displacement of the civilian population in areas such as Heiban are also a major concern for my delegation. The impact of this insecurity in Southern Kordofan has led to a humanitarian crisis in the region that has resulted in the loss of life, the displacement of thousands of people and the withdrawal of non-essential staff from Kadugli.

The continued reports of shooting and looting in Kadugli are of concern. We welcome the reinforcement of the United Nations Mission in the area. The escalation of violence and hostilities is detrimental, not only to the people of the area, who are negatively impacted by the violence, but to the establishment of two future viable States living in peace and security.

We are less than a month away from the declaration of Southern Sudan as an independent State on 9 July 2011, which in itself is indicative of the strides that both parties have made to ensure that the CPA is implemented. It is through the collective efforts of the parties to the CPA that we are on the brink of achieving this important milestone. We therefore wish to encourage and urge the parties to demonstrate the same resolve and political will to address the current security challenges facing the people of the Sudan. My delegation appreciates the ongoing discussions with the leaders of Blue Nile and Southern Kordofan on the recent political and security challenges in those areas.

In this regard, we reiterate the call by the Assembly of the African Union made during its extraordinary session in which it urged the parties to the CPA to spare no effort to overcome the current difficulties and to conclude their negotiations on the outstanding aspects of the CPA, including the issue of Abyei and the post-referendum arrangements, under the auspices of AU High-level Implementation Panel on Sudan.

Finally, my delegation would like to express its unwavering support to Special Representative of the Secretary-General Menkerios and the Chair of the AU High-Level Panel in facilitating ongoing negotiations between the CPA parties. South Africa stands ready to support the two parties in constructing two viable, independent States in the Sudan and in building a mutually beneficial relationship between them based on peace and development. In this regard, we call on the international community to continue its support to the parties as they address the critical challenges confronting them.

**Mr. Moraes Cabral (Portugal):** I thank former President Thabo Mbeki and Special Representative Haile Menkerios for their comprehensive briefings and the significant work they have been undertaking. I would like to congratulate them and the Governments of the Sudan and South Sudan on the agreement that has just been reached on Abyei. We hope it will allow for a quick and full cessation of violence in the Area, for the re-establishment of full humanitarian assistance and for the return of the displaced population. We are encouraged by these positive developments, but they are only a first step, albeit a decisive one, towards solving the Abyei issue. I would also like to thank Ambassador Osman and Mr. Gatkuoth for their statements.

As all members of the Council, Portugal has been deeply concerned by the rapidly deteriorating situation in several areas of the Sudan. We have expressed grave concern about the ongoing violence, namely, the fighting taking place in Southern Kordofan, which is causing an alarming and increasing number of displaced persons. We fully support and encourage the efforts of former President Mbeki and Special Representative Menkerios to find a quick solution to the situation and an immediate end to the hostilities.

We strongly urge the parties to prevent any further escalation of violence that could lead to new losses of civilian lives, stop the looting, grant unconditional humanitarian access to all and abide by their undertakings and agreements. We encourage them to build upon the positive indications we received today in order to get the overall process on track and fulfil the objectives of the Comprehensive Peace Agreement (CPA).

Indeed, the most recent events have threatened to erode the common ground that enabled the successful and peaceful referendum. As we have repeatedly stated, it is our belief that it is in neither side's interests to jeopardize all that has so far been accomplished. We strongly condemn all unilateral actions meant to create facts on the ground that would prejudice the outcome of the negotiations. We are of the view that the interdependencies between the North and the South are too deep and that the failure or success of one of them will determine the failure or success of the other.

For that reason, we recall the commitments made by both sides and urge the parties to work decisively in resolving their disputes. Dialogue and political commitment at the highest level is what is needed. We thus welcome the resumption of talks between President Al-Bashir and Vice-President Salva Kiir. The negotiations are complex and have to be led in the spirit of continued compromise and cooperation. This is the only path to ensure the viability of the two States.

In this difficult context, the success of the mediation work of the African Union's High-Level Implementation Panel and its Chair, former President Thabo Mbeki, appears to us more decisive than ever, as I have already stated. We call upon the parties to continue working with the Panel in order to urgently find a durable and peaceful resolution to the status of

Abyei and to continue dialogue on all the other outstanding issues.

Portugal welcomes the commitment by the Sudanese parties to establish a common border zone between North and South Sudan, which is to be demilitarized and jointly monitored and patrolled. We now call upon the parties to agree on where the zone should be and to positively consider a third-party presence along the border. Again, we share the view that North and South would benefit from United Nations assistance in this context.

As I have already said, we strongly condemn the recent fighting in Kadugli and Umm Dorain, and call upon both sides to exercise maximum restraint in resolving their disputes in Southern Kordofan and Blue Nile states. In this regard, Portugal sees the negotiations between representatives of the Government of the Sudan and leaders of the Sudan People's Liberation Movement from the two states as a positive step. We call upon the parties to rapidly establish security arrangements for the two areas.

Allow me also to say a word on the appalling humanitarian situation as a result of the violence. We are deeply concerned by the impact of escalating violence on the civilian population, including women, children and internally displaced persons. We recall that all parties to the conflict must respect and protect civilians and ensure adequate security for humanitarian workers. The parties must remove any restrictions that would slow down the response, and ensure full and unhindered access for humanitarian assistance and for the United Nations Mission in the Sudan throughout the mission area.

We would also like to echo Assistant Secretary-General Catherine Bragg's appeal to the parties to allow the establishment of a humanitarian corridor between Kadugli and El Obeid.

I could not conclude without expressing Portugal's strong support for the United Nations Mission in the Sudan and commending it for its work in the most difficult conditions.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): At the outset, we would like to congratulate former President Mbeki and Mr. Menkerios for their important success in today's signing of the agreement aimed at settling the conflict in the Abyei Area. We welcome the desire for compromise shown on this

matter by both Khartoum and Juba. We would like to hope that the signing of the agreement will create positive political momentum that makes it possible to address other issues as well in the context of implementing the Comprehensive Peace Agreement and of the forthcoming independence of Southern Sudan.

In the current situation, we call on both parties to refrain from violence and to do their utmost to address the humanitarian situation.

The Russian Federation continues to support the activities of the United Nations presence in the Sudan, in terms of the work of both Mr. Mbeki and Mr. Menkerios.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): I would first like to express particular thanks to former President Mbeki and Mr. Menkerios, who are here with us today at this meeting. I would also like to thank the Ambassador of the Sudan and Mr. Ezekiel Lol Gatkuoth for their presentations and for updating us on the situation in the Sudan.

We welcome the signing of an agreement on temporary arrangements for the administration of Abyei. We hope that it will take effect immediately and that it will serve to reverse the very serious deterioration of the security situation. In recent weeks and even days, unacceptable acts of violence have occurred, compromising the peaceful transition to the birth of South Sudan. We strongly condemn the violent loss of life, the displacement that has taken place and all the violations of the human rights of the population. What has taken place in Southern Kordofan and in the Abyei Area is unacceptable.

The current crisis clearly shows that there are still serious differences that the parties must overcome. This is essential if we are to return to the spirit of compromise and political will displayed on past occasions. We hope that the agreement that has just been signed will be a very positive sign in that direction.

The Peace Agreement itself and its subsequent implementation, the holding of general elections and the referendum held at the beginning of 2011, through which Southern Sudan's independence was opted for, are proof that, on any issue, regardless of difficulty or seriousness, a negotiated and satisfactory solution can be found by the parties.

In this context, we would highlight the enormous efforts made by the African Union High-Level Implementation Panel charged with implementing the recommendations for the Sudan in order to bring the parties together and resume negotiations. The leadership of former President Thabo Mbeki and other members of the Panel and the role played by the Government of Ethiopia should be underscored. We trust that the agreements arrived at thus far will serve as an element for trust between the parties and a step towards arriving at definitive and sustainable agreements.

In this respect, it is crucial that the parties refrain from acts of violence or provocation and incendiary speech, and renew their commitment to negotiations on all outstanding issues.

Of equal importance is the need to respect the United Nations Mission in the Sudan and other agencies of the system, allowing them to carry out their various mandates in an environment free of security threats.

The commitments set out under the Comprehensive Peace Agreement (CPA) and other security agreements must be fully respected, with priority given to the withdrawal of all armed forces from Abyei and the establishment of mechanisms to ensure security and allow for the return of displaced persons.

Of equal importance is the need to end the violence in Southern Kordofan State so as to allow for the provision of humanitarian assistance to the population and to establish the conditions needed to hold the public consultations planned for the region, which must be an inclusive process reflecting the concerns and aspirations of the population with effective implementation mechanisms.

We are only a few weeks away from the end of the transitional period and the establishment of Southern Sudan as an independent State. However, we cannot lose sight of the fact that several crucial matters under the CPA remain unresolved, such as the final status of the Abyei area, the satisfactory conclusion of the popular consultations in Southern Kordofan and Blue Nile States, and border demarcation. Likewise, a wide range of post-CPA issues also remain to be resolved, and, to a great extent, the future of good neighbourliness and bilateral cooperation between the two parties will depend on these.

Against that backdrop, the international community must remain united in providing all possible support and assistance to the parties in their quest to arrive at solutions and commitments aimed at resolving all of these issues and establishing harmonious and mutually beneficial relations between two independent States living in peace and working together to face common challenges. To this end, the United Nations and the African Union have a very important role to play in ensuring the security and prosperity of all of the population.

**Mr. Araud (France)** (*spoke in French*): I thank President Mbeki and Special Representative Menkerios for their briefings. As the representatives of the Sudan and Southern Sudan said, the agreement reached in Addis Ababa on Abyei is a major step forward towards bringing to an end the crisis that has prevailed in the region since Abyei was occupied by the Sudanese Armed Forces on 21 May. This is good news.

I welcome the commitment of Ethiopia, and in particular of Prime Minister Zenawi, which offers a solution to the crisis by allowing for the deployment of Ethiopian soldiers. It is now up to the parties, in coordination with the Security Council, to see that the agreement just reached is implemented. I welcome the fact that the United States has announced its intention to submit a draft resolution allowing for the deployment of Ethiopian soldiers.

As we speak, the Abyei area remains occupied. Armed militias continue to pillage the meagre resources of the local people, who have fled the fighting. The personnel of the United Nations Mission in the Sudan (UNMIS) are subject to acts of intimidation, be it from repeated fire from heavy artillery close to UNMIS positions or other obstacles to their freedom of movement.

The reports we are receiving from Southern Kordofan paint a picture of a situation of war. The fighting that has been ongoing since 5 June between the Sudanese Armed Forces and the Sudan People's Liberation Army in the Kadugli area has led to the displacement of more than 60,000 civilians. The humanitarian situation is deteriorating, and humanitarian personnel have no access to the population owing to the restrictions that have been imposed.

France calls urgently on the parties to negotiate a ceasefire, facilitate the delivery of humanitarian aid

and return to dialogue to ensure the implementation of the Comprehensive Peace Agreement (CPA) and allow for the fair representation of all the minorities of Southern Kordofan.

It is also crucial that the United Nations Mission currently in place in the region carry out its mandate to protect civilians, under Chapter VII of the Charter of the United Nations. Thousands of civilians are currently seeking refuge with the United Nations, especially in Kadugli. It is our duty to use the necessary means to protect them.

If we can draw a lesson from the violence in Abyei and Southern Kordofan, it is that the peace achieved under the CPA is both precious and fragile. UNMIS has supported the parties in maintaining peace in Sudan since 2005. Today, it seems clear that the presence of the United Nations remains justified as long as all of the aspects of the peace agreement have not been implemented and the tensions in the border areas have not been resolved. We therefore call on the parties in the Sudan to recognize the value of the United Nations presence and to engage in dialogue on possible mechanisms for the period beyond 9 July to ensure support for peacekeeping and thus to foster peace and prosperity in the region.

The special report of the Secretary-General (S/2011/314) on this issue is, in our view, a reference document which can contribute to efforts to avoid a return to violence, which would have tragic consequences for both parties.

**Mr. Barbačić** (Bosnia and Herzegovina): I thank President Mbeki, Chair of the African Union High-level Implementation Panel, and Mr. Haile Menkerios, Special Representative of the Secretary-General, for their informative briefings. We welcome the participation of the representatives of the Sudan and Southern Sudan, and appreciate their input to today's meeting.

We welcome the agreement between the parties on temporary arrangements for the administration and security of the Abyei area. We believe that this is an encouraging development and that it sends a positive signal with regard to ongoing activities and negotiations on outstanding issues.

Bosnia and Herzegovina supports continued negotiation between the parties to the Comprehensive Peace Agreement (CPA) under the auspices of the

African Union High-level Implementation Panel and urges them to engage constructively in negotiations so as to reach agreement on the outstanding issues. Every single one of those issues, if not resolved, has the potential not only to affect relations between the two States but also to undermine peace and stability.

While once again welcoming today's information, Bosnia and Herzegovina is deeply concerned about the situation in Abyei. It is critical that all military elements be withdrawn from this area as an important element for bringing about peace. The future status of Abyei must be resolved by negotiations between the parties, in accordance with the CPA. We condemn all unilateral actions undertaken with a view to creating facts on the ground that would prejudice the outcome of negotiations.

We are also concerned about the situation in Southern Kordofan State and continuing tensions in Blue Nile. It is essential for the parties to continue negotiations in order to agree on political and security arrangements for Blue Nile and Southern Kordofan States. Meanwhile, both parties must work closely together to reduce tensions and promote calm in those regions.

It is vital that humanitarian access be provided in order to assist the populations affected and that conditions conducive to the safe return of displaced persons be established.

Bearing in mind the security situation and the issue of the future management of the border between the North and the South, it is vital to establish a mechanism that provides effective tools for preventing or mitigating conflicts on either side of the border after 9 July. We deem it important for the United Nations to maintain its presence in Abyei and Southern Kordofan and to continue providing assistance to the parties in border management after 9 July. In that regard, we call on the parties to reach an agreement that includes a continuing United Nations presence as a central element for stability and future relations between the parties.

We fully support the efforts of the United Nations Mission in the Sudan (UNMIS) and of Special Representative Menkerios to ease tensions on the ground and provide a secure environment for the civilian population. We strongly condemn all attacks on UNMIS and call on the parties to respect the Mission's mandate and freedom of movement. It is

essential that UNMIS continue to be able to carry out its mandate to protect civilians under Chapter VII of the United Nations Charter.

Finally, the nature of future relations between the two countries will depend directly on the resolution of the outstanding CPA issues. In that regard, we call on the parties to the CPA to continue negotiations to reach an agreement on the status of Abyei, as well as other remaining CPA and post-CPA issues, and to lay a foundation for friendly and dynamic relations between the two States that will emerge after 9 July.

**Mr. Hardeep Singh Puri** (India): At the outset, I would like to thank President Mbeki and the Special Representative of the Secretary-General, Mr. Menkerios, for their briefings on the situation in Abyei and other areas of the Sudan. I would also like to thank the Permanent Representative of the Sudan and the representative of the Government of Southern Sudan for their statements.

Over the past month, we have witnessed a serious deterioration in the security and humanitarian situations in Abyei, Southern Kordofan and adjoining areas. More than 100,000 people are reported to have been displaced. Peacekeepers from the United Nations Mission in the Sudan (UNMIS) have been obstructed in the implementation of their mandate, and access by the United Nations humanitarian agencies has also been restricted.

These developments underline not only the fragile security situation but also the lack of trust between the parties to the Comprehensive Peace Agreement (CPA). As the post-referendum transition period nears its end, the ongoing conflict could have disastrous consequences for the people of the region as the parties divert scarce resources from the urgently needed tasks of nation-building. It is therefore necessary to expeditiously resolve the stalemate.

We commend the efforts of the African Union's High-level Implementation Panel, led by President Mbeki and the representative of the Secretary-General, Mr. Menkerios, to facilitate dialogue between the parties and offer a package of agreements on outstanding CPA issues, including security arrangements for Abyei and borders, the sharing of oil wealth, and so on. The negotiations that began last week have led to the signing of an agreement on Abyei. We support the continuing efforts of President Mbeki and Special Representative Menkerios to mediate

between the parties in order to resolve other issues, and we urge the parties to show a spirit of compromise, flexibility and political will in order to reach a comprehensive agreement. We also appreciate the role played by the Prime Minister of Ethiopia, Mr. Meles Zenawi, for the security arrangements that have been worked out for Abyei.

A number of pending problems between Northern and Southern Sudan have long and complicated historical backgrounds. Their resolution will require patience and an approach that takes into consideration the long-term interests of all the peoples of the region. Any attempt to impose artificial deadlines and preconceived ideas will not be helpful to enhancing mutual trust between the parties, nor for the long-term resolution of the pending issues.

We urge all the parties concerned with an interest in the issues between the North and the South to encourage the parties to abjure violence and rededicate themselves to the same spirit in which they have implemented the CPA over the past six years. Unilateral actions, particularly military operations, will not be in the interests of either party. The parties should act with the utmost restraint, refrain from provocative actions and ensure freedom of movement and access to UNMIS. They should work towards long-term cooperative relationships that will benefit both the North and the South, and help them undertake urgently needed development activities. The international community, including the Security Council, should stand ready to support the parties in implementing the agreements that they may reach. We hope that the agreement on Abyei's security will be expeditiously endorsed by a resolution of the Council. To that end, we stand ready to work with the other members of the Council.

**Mr. Wang Min** (China) (*spoke in Chinese*): I would like to thank President Mbeki and the Special Representative of the Secretary-General, Mr. Menkerios, for their briefings. We also listened attentively to the statements made by Ambassador Osman and Mr. Gatkuoth.

I wish to emphasize several points. First, we welcome the agreement signed between the North and the South on interim administrative and security arrangements in Abyei, which demonstrates goodwill on the part of both North and South with respect to maintaining peace and stability in the region of the

Sudan. We greatly appreciate the efforts and the role of the African Union High-level Implementation Panel, led by President Mbeki, and of Mr. Menkerios and the Government of Ethiopia. We hope that both parties, with the assistance of the African Union and the United Nations, can ensure practical implementation of the agreements. For its part, the Security Council should provide the necessary assistance and support, particularly for ensuring the early deployment of the Ethiopian peacekeeping forces.

Secondly, the Security Council should encourage both North and South to insist on taking the path of peace and on maintaining calm and restraint so as to put an immediate end to hostilities in Southern Kordofan, Blue Nile and other areas; to refrain from any actions and words that could lead to an escalation of the situation; and to fully implement the Comprehensive Peace Agreement (CPA). We hope that both North and South will capitalize on the existing positive momentum and reach a comprehensive solution to the problems in Southern Kordofan and Blue Nile.

Thirdly, we welcome the recent meeting in Addis Ababa between President Al-Bashir and First Vice-President Salva Kiir Mayardit. Direct meetings between leaders are extremely important to ensuring the avoidance of misunderstandings, increasing mutual confidence and maintaining peace and stability between the North and the South. The Security Council should encourage the institutionalization of such meetings, which should be held as soon as problems arise.

Fourthly, we support the efforts of the African Union High-level Implementation Panel, led by President Mbeki, as well as the efforts of Special Representative Menkerios, to promote mutual accommodation between North and South aimed at achieving compliance with the CPA, and to arrive at a comprehensive solution to such problems as that of Abyei and other outstanding CPA-related issues, as well as on post-referendum arrangements.

**Mr. Salam** (Lebanon) (*spoke in Arabic*): At the outset, I would like to join my colleagues in welcoming President Mbeki and thanking him for his valuable briefing and his mediation efforts in the Sudan. I would also like to thank the Special Representative of the Secretary-General, Mr. Menkerios, for his important briefing and wise leadership of the

United Nations Mission in the Sudan (UNMIS). I thank, too, the Permanent Representative of the Sudan and the representative of the Government of Southern Sudan for their statements.

We have repeatedly stressed in the Council the importance of reducing tensions in the Abyei area and reaching an agreement about it, because it is a priority issue that is considered crucial to avoiding a relapse into war. We have also stressed the need to complete negotiations on the remaining outstanding issues and post-referendum matters. In that regard, we welcome the temporary agreement on Abyei, reached as a result of negotiations held in Addis Ababa, and we would like to acknowledge the role played by the Prime Minister of Ethiopia, Mr. Meles Zenawi, as well as the roles of President Mbeki and Mr. Menkerios, who helped the parties reach agreement. We also welcome the Ethiopian forces' readiness to deploy rapidly into Abyei in order to implement the agreement.

We also wish to welcome the parallel progress that has been taking place to deal with the tense situation in South Kordofan. We commend the ongoing efforts of President Mbeki to help reach a solution to the outstanding issues and post-referendum matters. Here, we welcome the progress that has been made in dealing with economic and financial issues.

We call on UNMIS to continue consulting with the relevant parties on the Secretary-General's suggestion for a three-month extension of UNMIS, as stated in the last report, in order to arrive at an agreement on post-referendum matters and the remaining part of the CPA, which are the foundations of stability in the Sudan and in South Sudan, as well as of the region in its entirety.

In closing, and from a different angle, we would also like to call on all parties in Darfur to sign the document issued by the expanded conference in Doha and to work on implementing it expeditiously, in a manner that will lead to a permanent ceasefire and a final settlement of the Darfur crisis.

**Mr. Onemola** (Nigeria): Nigeria is immensely grateful to President Thabo Mbeki for his tireless commitments to find a durable solution to the crisis in Darfur and in the Sudan in general. We are also grateful for the leadership Mr. Menkerios has provided to the United Nations Mission in the Sudan (UNMIS) under very difficult circumstances. We welcome the participation of the representative of the Government

of the Sudan and of the representative of Southern Sudan, and we thank them for their contribution.

Nothing casts a darker shadow on the hopes for peaceful relations between North and South Sudan in the era following the Comprehensive Peace Agreement (CPA) than the spectre of renewed conflict. We are therefore deeply concerned about the unauthorized military activities in Abeyi and the fighting along the disputed border between the North and South since 5 June 2011. There are reports of the Sudanese Army amassing heavy weaponry in Southern Kordofan amid intermittent fighting and heavy artillery shelling. We feel that the outbreak of fresh hostilities is palpable.

The situation is quite clearly at a tipping point. Neither the Sudan nor the international community can afford a renewed conflict, which would undo much of the progress achieved since the signing of the CPA in 2005. The obligation at this crucial junction is to ensure that the situation does not deteriorate further.

In that context we welcome the high-level meeting between President Al-Bashir and Vice-President Salva Kiir in Addis Ababa and the agreements on temporary arrangements for the administration and security of the Abyei Area that were reached today. We commend both leaders for their courage and commitment to dialogue and negotiation. We also commend the African Union High-Level Panel under the leadership of President Mbeki for facilitating the agreement.

As we welcome the good news of a major breakthrough by the parties, the real significance of the temporary agreement lies in its effective implementation. Both parties must now pursue all efforts to implement a decision to demilitarize the Abyei Area, withdraw all military troops from the zone and deploy in the territory an interim security force composed of Ethiopian troops. Indeed, the agreement should serve as an impetus for intensified strategic-level discussions of the political and security arrangements between the North and the South. In that regard, we welcome the agreement by the Prime Minister of Ethiopia to contribute peacekeepers to facilitate the implementation of the agreement between the parties.

Nigeria reiterates its firm support for the Security Council's presidential statement of 3 June (S/PRST/2011/12) and calls on both parties to firmly embrace the ongoing high-level negotiations under the

auspices of the African Union Panel. If continued in good faith, those discussions could result in agreements on the outstanding CPA and post-referendum issues before 9 July.

We urge the NCP and SPLM to full implement, and without delay, all the provisions of the Kadugli agreements. Our commitment to achieving a peaceful, equitable and mutually beneficial relationship between North and South Sudan requires that we remain engaged with the parties to the CPA. We must not only assist them to devise a framework for continued dialogue beyond July; we must also play an important role in their geo-political transformation into two viable States.

The impact of the deteriorating security situation on the civilian population is all too evident. Abyei, the Blue Nile and Southern Kordofan have all seen mass displacements caused by genuine emergencies. That situation makes an urgent case for enhanced international humanitarian aid. We commend the Office for the Coordination of Humanitarian Affairs, the World Food Programme, the World Health Organization and other humanitarian agencies for their relief support for internally displaced persons (IDPs) and refugees.

The parties should respect humanitarian principles and allow all humanitarian personnel timely and unfettered access to vulnerable communities, including those who have taken refuge outside the UNMIS compound in Kaldugi. Conditions should be created to allow the prompt and safe return of IDPs to their homes. All parties must also refrain from attacks on peacekeepers and respect the mandate of UNMIS.

In addition, as we await the emergence of South Sudan on 9 July, there should be no unilateral action by the parties. Actions must be realistic and consistent with the spirit of the CPA and the package agreement reached. They must build on the achievements reached to date between the parties and continue to work closely with UNMIS and the African Union High-Level Panel under the leadership of President Mbeki.

**Mrs. Dunlop (Brazil):** I thank the Special Representative of the Secretary-General, Haile Menkerios, for his update of the situation on the ground in the Sudan and commend him for the latest developments. I also join previous speakers in extending a warm welcome to President Thabo Mbeki for participating in our deliberations today and in

commending him for his efforts to promote the achievement of peace in the Sudan.

Brazil welcomes the temporary agreement reached on Abyei and thanks the Prime Minister of Ethiopia for making available security resources for the implementation of the arrangement. I am also, therefore, very grateful to have had Ambassador Osman and Mr. Gatkuoth here with us this morning to discuss important developments. I thank them for their statements.

The clashes in Southern Kordofan are to be deplored. We are concerned as well over reports of insufficient assistance to southern returnees and of continuing mistreatment of the civilian population by the Sudan People's Liberation Army (SPLA). Attacks and threats against United Nations peacekeepers, observers and civilian personnel are unacceptable. We condemn those acts and express concern about the safety of the personnel of the United Nations Mission in the Sudan (UNMIS).

Brazil urges the parties to fully implement the Comprehensive Peace Agreement (CPA) for securing peace in the Sudan. They cannot allow all the efforts put into making peace unravel in the final mile. It is imperative that leaders exert utmost restraint and redouble their efforts to reach a peaceful agreement on all outstanding issues.

We warmly welcome the efforts of the African Union, under the leadership of President Mbeki, in favour of de-escalation. We commend the measures taken by UNMIS to support the negotiations and to strengthen its capacity to protect civilians in Abyei and Kadugli.

There is only one way that both Northern and Southern Sudan can nurture a new reality of two stable and viable States living together side by side, in peace and cooperation. It is by dealing peacefully and transparently with both their bilateral and their respective internal issues.

Both Northern and Southern Sudan enjoy great ethnic and cultural diversity, which needs to become an asset in a pluralistic and democratic political environment. Many Sudanese peoples have been able to coexist and cooperate peacefully for centuries. There is no reason for them not to be able to do so once again in the near future.

**The President** (*spoke in French*): I shall now make a brief statement in my national capacity.

Months after the declaration of independence of Southern Sudan, which will mark the end of the Comprehensive Peace Agreement (CPA), an escalation of violence in Abyei and Southern Kordofan has been a matter of grave concern. The violence has led to the death of a number of civilians and massive displacements of people.

The conclusion of the temporary agreement on Abyei and the briefings provided by President Mbeki and the Special Representative of the Secretary-General, Mr. Menkerios, have made us more optimistic. I should like to thank President Mbeki and Mr. Menkerios and congratulate them on the agreement. We welcome the commitment of Ethiopia and Prime Minister Zenawi, including the provision of Ethiopian troops. We support the proposal of the United States to submit a draft resolution to the Council in the near future. We also welcome the commitment just expressed by Ambassador Osman and Mr. Gatkuoth regarding the will of both parties to continue to seek a peaceful resolution to the situation in the Sudan.

We call on the two parties to show restraint and to cease hostilities. They must demonstrate their political determination to overcome the crisis prevailing in Abyei and Southern Kordofan by engaging in dialogue. We ask them to facilitate the channelling of humanitarian aid to help the thousands of displaced persons who have had to flee the violence. We invite the parties to implement the conclusions they agreed upon in Addis Ababa. Gabon remains convinced that the deployment of Ethiopian battalions to Abyei, along the borders, will help to ease tensions between the parties and, at the same time, enforce the security arrangements.

We encourage the parties to take advantage of the window of opportunity opened by the Addis process to restore mutual trust. Preserving the framework of the comprehensive political agreement is essential, and it is important to pursue implementation of that agreement in full. In that regard, the support of the Panel headed by President Mbeki and the enhanced support of the United Nations are essential.

Finally, we wish to once again encourage the two parties to show political determination and a spirit of compromise.

I now resume my function as President of the Council.

Do President Mbeki and Mr. Menkerios wish make any additional comments following the statements delivered by Council members? I give the floor to President Mbeki.

**Mr. Mbeki:** We have no additional comments at this time, but we are of course ready to answer any questions that Council members may have.

**The President** (*spoke in French*): I give the floor to the representative of the Sudan, who wishes to comment on the various statements made by Member States.

**Mr. Osman** (Sudan) (*spoke in Arabic*): Sir, you may have noticed that during my first statement I tried to remain in keeping with the positive spirit of the happy news we just received from Addis Ababa regarding the signing of a temporary agreement on Abyei. I do not wish to remain hostage to the events preceding that agreement because, as we can see, it is a step forward, despite our reservations with respect to the Sudan People's Liberation Movement (SPLM).

Nevertheless, given that the other side has persistently repeated a number of inaccurate points about the situation in Abyei and Southern Kordofan, I have no choice but to refer to the violations committed by the SPLM in Southern Kordofan and Abyei.

The Sudanese Armed Forces intervened in Abyei following a very long period of patience and restraint. The former administrator of Abyei has failed to respect the Comprehensive Peace Agreement and withdraw his troops from the border region in question. He has attempted to establish facts on the ground in the region by allowing in thousands of elements from the Movement and other militias in an effort to change the demographic makeup of the region.

Those actions and violations culminated with the SPLM attacking and killing many of our soldiers and members of the armed forces who had previously been members of the Joint Integrated Unit. When the SPLM attacked the Joint Integrated Unit, comprised of our armed forces and those of the United Nations Mission in the Sudan (UNMIS), they killed many of our soldiers. Since then, our armed forces had no choice but to intervene to put an end to the violations committed by the SPLM in Abyei.

Council members may recall that we had stated that the presence of our armed forces in Abyei was temporary after events forced us to be on the ground. We also stated that we would withdraw once an agreement had been reached on security measures. That is what we did, following the signing today of the agreement in Addis Ababa. Our withdrawal was the best testimony to the signing of that agreement. That is the situation in Abyei.

Regarding the latest developments in Southern Kordofan, on 4 June SPLM forces attacked the Sudanese Armed Forces and the police force in Umm Dorian and then took control of that city. On 5 June, elements of the SPLM attacked Government forces in the city of Talodi. On 6 June, the SPLM attacked again in the city of Kadugli, the capital of Southern Kordofan, with the goal of taking control of it. Mr. Abdel Aziz Al-Hilu, who had lost local elections in that state, was appointed governor. These attacks caused the death, injury and displacement of many of our soldiers and police, as well as innocent civilians. Moreover, tens of thousands of civilians were forced to leave the state. The SPLM is responsible for all of this.

We did not want to go into the details of these attacks, given the good news and intentions from Addis Ababa. Nevertheless, we need to talk about this matter in order to give a correct view of the situation. There are many who misunderstand. I think some members had prepared their statements before the signing of the agreement in Addis Ababa. The war actions of the SPLM have never been condemned by the Security Council. What we have seen is very timid condemnation by the Council following the SPLM attack against the joint forces of UNMIS and the Sudanese Armed Forces. Must a strong condemnation by the Council await a confirmed attack against UNMIS and the Sudanese Armed Forces? When such acts are not condemned, the party involved is encouraged to continue. The result is the death of many soldiers in the Sudanese Armed Forces.

Nevertheless, we would like to assure the Security Council that the situation in Southern Kordofan is under control. The security situation is stable and life is returning to normal in the main cities of the state. Our house has been put back in order after these events, following the intervention of our armed forces. We call on the Council to send a firm message to the SPLM condemning the violations that have taken place in Southern Kordofan and calling for an end to

the cycle of violence and the withdrawal of forces, as stipulated in the agreement between the two parties. Repeated violations will make the anticipated peace and stability impossible.

In conclusion, I reaffirm that the Government of the Sudan is sincere in its desire to find a fundamental solution to the situation in Abyei, Southern Kordofan and Blue Nile, in the framework of the efforts of President Mbeki and other mediators. I reiterate our call to the Council to support those efforts so that they can bear fruit. We also urge the other side to end this war, which has taken us backwards. We have taken a positive step forward and we want to reach the end of this road.

**The President** (*spoke in French*): I understand that Mr. Gatkuoth wishes to take the floor. I now call on him.

**Mr. Gatkuoth**: The Government of Southern Sudan and the Sudan People's Liberation Movement (SPLM) are committed to peace. We have yearned for it for years. Wars are not good. We have fought enough in the Sudan — from 1955 until 1972 and from 1983 until 2005. We yearn for peace and we will continue to seek it. We have been calling for peace. The National Congress Party (NCP), instead of resorting to violence, should join us in seeking peaceful resolutions to all the pending issues. That is why we are calling for the Comprehensive Peace Agreement to be implemented fully.

On the issue of Abyei, the NCP and my brother the representative of the Sudan know very well that the land of the Ngok Dinka was transferred to the North in 1905 by the United Kingdom, because they were being protected from the Arabs who were enslaving them. They were put under the administration of the North so that they would be protected from slavery. Now, if we have peace in the Sudan, they should be asked either to return to Southern Sudan or remain where they are

now. It is well known that the Misseriya are nomads who come seasonally to graze their animals in the area, not only in Abyei but beyond Abyei in Southern Sudan.

In Southern Kordofan there was an election with very clear results, as my brother the representative of the Sudan knows very well. Whereas he says that Abdel Aziz Al-Hilu lost the election, it is the other way around. Ahmed Harun knows very well that he lost the election. But of course the election was rigged, which angered many people in the Nuba area of Southern Kordofan.

On these post-referendum issues we really need to work together to reach an agreement, which is why we have been calling for a peaceful resolution to all the pending issues, including sharing resources between the two countries. We are ready to negotiate a deal with the National Congress Party, because we are interested in peace. It is because we are actually interested in peace that we want to make sure we have a deal that can benefit the two countries, so that we can live in peace, because wars are never good.

We also want to encourage the National Congress Party in the North to accept a democratic transformation, because the North of Sudan is also diverse. President Al-Bashir declaring an Islamic State in the North will continue to create problems there. The National Congress Party must change its policies. Instead of relying on the Islamization and Arabization of the North they have to accept the country's diversity, which will remain in the North. I say this because if the North is unstable we in the South are also going to pay the consequences.

**The President** (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 12.50 p.m.*



# Security Council

Sixty-sixth year

Provisional

## 6560<sup>th</sup> meeting

Tuesday, 21 June 2011, 10 a.m.  
New York

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|-------------------|-----------------------------------------------------------|------------------------|
| <i>President:</i> | Mr. Messone .....                                         | (Gabon)                |
| <i>Members:</i>   | Bosnia and Herzegovina .....                              | Mr. Barbalic           |
|                   | Brazil .....                                              | Mrs. Dunlop            |
|                   | China .....                                               | Mr. Wang Min           |
|                   | Colombia .....                                            | Mr. Osorio             |
|                   | France .....                                              | Mr. Araud              |
|                   | Germany .....                                             | Mr. Berger             |
|                   | India .....                                               | Mr. Hardeep Singh Puri |
|                   | Lebanon .....                                             | Mr. Salam              |
|                   | Nigeria .....                                             | Mrs. Ogwu              |
|                   | Portugal .....                                            | Mr. Moraes Cabral      |
|                   | Russian Federation .....                                  | Mr. Churkin            |
|                   | South Africa .....                                        | Mr. Mashabane          |
|                   | United Kingdom of Great Britain and Northern Ireland .... | Sir Mark Lyall Grant   |
|                   | United States of America .....                            | Mr. Dunn               |

## Agenda

### The situation in Somalia

Report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360)

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This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.



*The meeting was called to order at 10.10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Somalia**

#### **Report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360)**

**The President** (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Somalia to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/360, which contains the report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts.

I now give the floor to Ms. O'Brien.

**Ms. O'Brien:** I am pleased to have this opportunity to present the report before the Council on behalf of the Secretary-General (S/2011/360).

The Secretary-General has consistently advocated for the international community to take action to counter piracy and to respond in the most proactive way possible. He has pressed the United Nations and other international organizations to do more to contribute to a solution to this complex problem that poses so many challenges. The Council will recall that the Secretary-General dispatched me on a mission to Kenya as far back as March 2009 to discuss the issue with Kenyan authorities and to engage with the United Nations offices active on the ground. Most recently, in April, he dispatched me again to represent him at the conference organized and hosted by the Government of the United Arab Emirates. The theme of the conference was "Global challenge, regional responses: forging a common approach to maritime piracy". For my Office, the piracy dossier remains an active and important one,

which reflects the Security Council's close attention to this pressing issue.

The human cost of piracy off the coast of Somalia is incalculable, with killings and widespread hostage-taking of sailors. The increasing number of incidents of piracy, the escalation of violence and the expanding geographical scope of the attacks are all extremely worrying. The commercial cost of this scourge is also very high. As I said when presenting the previous report (S/2010/394) on behalf of the Secretary-General in August last year (see S/PV.6374), the problem of piracy clearly demonstrates the increasing interdependence of States and people in a globalized world. The number and diversity of States and organizations with a stake in finding a solution provides strong evidence of this fact, with human welfare and commercial and security interests remaining under serious threat.

Against this background, the Secretary-General's report on the modalities for the establishment of specialized Somali courts to try suspected pirates both in Somalia and in the region, including an extraterritorial Somali specialized anti-piracy court, is a timely contribution that I believe will assist the Security Council's deliberations. It has had input from my Office, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the Department of Political Affairs, the United Nations Political Office for Somalia (UNPOS), the Department of Peacekeeping Operations, the Department of Safety and Security (DSS), the Office of the High Commissioner for Human Rights and INTERPOL. In responding to the Security Council's request in resolution 1976 (2011), we have taken into account the work of the Contact Group on Piracy off the Coast of Somalia. I and other senior members of the Office of Legal Affairs have also consulted a number of concerned regional States.

The report (S/2011/30, annex) of the Secretary-General's Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, Mr. Jack Lang, has been highly praised for comprehensively addressing the operational, security, jurisdictional and economic aspects of piracy off the coast of Somalia, and for setting out an emergency plan focused on Somalia. His report brings together, for the first time, all of the facets of the problem, and makes concrete suggestions for action.

By making specific recommendations for the establishment of three Somali specialized anti-piracy courts, he has sharpened the debate and laid the ground for the detailed assessment of the modalities for such courts, as requested by the Security Council. Two aspects of Mr. Lang's report, in particular, have provided the impetus for productive inquiries by my Office, namely, the availability of legal experts among the Somali diaspora to add impetus to the development of Somali specialized courts and the need to disrupt the activities of the financiers and planners of piracy. The results of our consultations on the basis of these aspects highlighted by Mr. Lang are set out in annexes III and IV, respectively, to the Secretary-General's report.

Mr. Lang noted in his report that the strengthening of the rule of law in Somalia remained the guiding principle underlying the proposal for the establishment of Somali specialized anti-piracy courts. The legal and practical considerations for the establishment of such courts include such matters as the constitutional and legal basis in Somalia; the need for adequate criminal and procedural legislation for the prosecution of pirates; a sufficient number of trained judges and other legal professionals; security considerations; sufficient prison accommodations that comply with international standards; financing; and the timeline for the establishment of such courts. These are the modalities that are the subject of the Secretary-General's report.

The report contains a factual assessment of these modalities, based on the information that is set out in the five annexes to the report and the consultations with concerned regional States that my Office and I have conducted. I would like to emphasize from the outset that, if the Council should wish to mandate the Secretary-General to look in greater depth at any of the particular modalities considered in the report, my Office and I stand ready to do so. Furthermore, if the Council wishes to request the Secretary-General actively to address any of the modalities with a view to moving towards the establishment of Somali specialized courts, we will do so as a matter of priority.

We were greatly assisted in the preparation of the Secretary-General's report by the fact that UNDP, UNODC and UNPOS are active on the ground in Somalia in assisting Somali authorities to address some of these matters. UNDP and UNODC are working to develop the capacity of the courts in Somaliland and

Puntland to conduct piracy prosecutions in conformity with international standards. The report draws on that experience in assessing, in section II, the modalities for the establishment of specialized anti-piracy courts in Somalia and, in section III, the modalities for the establishment of an extraterritorial Somali anti-piracy court located in another State in the region.

Before outlining the content of those two sections of the report, I would like to mention an initial point as to the scope of the report. Paragraph 26 of Security Council resolution 1976 (2011) asks the Secretary-General to report on the modalities for the establishment of specialized Somali courts to try suspected pirates. The resolution does not specify whether the recommendation concerns the establishment of new Somali courts, the establishment of new specialized chambers within existing Somali courts or the development of the capacity of the existing assize sections within Somali courts, which have jurisdiction to hear piracy cases.

As that was not specified in the Security Council resolution, nor in Mr. Lang's report that led to it, the Secretary-General's report deals with all three of these possibilities. The Secretary-General's report also makes it clear that it would be for the Somali authorities to determine whether the establishment of new courts, or new specialized chambers within existing courts, would be compatible with the relevant provisions of the 1960 Constitution of the Somali Republic and the 2004 Transitional Federal Charter for the Somali Republic.

To address Mr. Lang's recommendation regarding specialized courts in Somaliland and Puntland, UNDP and UNODC are engaged in programmes of assistance in the courts in those regions to build the capacity of the assize sections to try piracy cases. This important work is ongoing, and it is estimated that it will take around three years to bring piracy trials up to international standards. This will be a key development, because the courts in Somaliland and Puntland are conducting large numbers of prosecutions. Two hundred and ninety cases have been concluded or are ongoing in Puntland, with 94 cases in Somaliland.

The programmes of assistance are aimed at increasing the numbers of prosecutions in each region by about 20 cases per year, with each case involving about 10 accused. Achieving international standards will be a critical step, because it will open the way for

naval States to be able to enter into arrangements with Somali authorities for the transfer of piracy suspects apprehended at sea to Somaliland and Puntland for prosecution.

The timeline of three years could possibly be shortened through the use of international experts to assist and mentor local professionals. Initial research by my Office confirms that there are legal professionals among the Somali diaspora who could be contacted to determine whether they would be willing and able to play that role.

A further key step in opening the way for naval States to transfer suspects apprehended at sea to Somalia would be the building of new prisons in Somaliland and Puntland to provide a total of 1,000 prison spaces that complied with international standards. That will take about two years to achieve.

The total cost of these UNDP and UNODC programmes of assistance over the next three years, both in relation to the courts and the prisons, is calculated at approximately \$24 million. Salary and security costs would be likely to increase if international experts were deployed to assist the development of trial capacity. The challenges facing these programmes of assistance in Somaliland and Puntland include critically out of date criminal and procedural codes and a shortage of trained judges and other legal professionals.

As I emphasized in my introduction, an extraterritorial Somali court could be a new court established for the purpose located extraterritorially, a new specialized chamber established within an existing court located extraterritorially or an existing section of a Somali court located extraterritorially. In any of these events, the determination as to whether such court or chamber would be compatible with the relevant Somali constitutional provisions, or whether an amendment of the Transitional Federal Charter would be required for that purpose, would be for Somali authorities to make. They would also need to consider the need for a specific legislative basis for the court or chamber.

The views of the Transitional Federal Government and Somali regional authorities are important in the consideration of the proposal for the establishment of an extraterritorial Somali court or special chamber, as are the views of the States in the region that could potentially host such a court or special chamber. I and other senior members of my

Office therefore conducted three sets of consultations, including in the region. We also sought views in writing. Those consulted were the Transitional Federal Government of Somalia and the regional authorities in Somaliland, Puntland and Galmadug, and Tanzania, Kenya, the Seychelles, Mauritius and Djibouti.

The Transitional Federal Government of Somalia and Somali regional authorities were not favourable to the location of a Somali court outside of Somalia. In the most recent consultations, officials of the Transitional Federal Government and of Puntland and Galmadug expressed their preference for the location of any such court within Somalia, and confirmed their willingness to work towards agreement on a location for it.

Among the States of the region consulted as potential host States for an extraterritorial Somali court, the Government of Tanzania expressed its readiness to host the court within the current premises of the International Criminal Tribunal for Rwanda (ICTR) in Arusha. In such an event, the Government considered it imperative that prison construction in Somalia be completed on time to avoid those convicted being held in Tanzania for lengthy periods. The ICTR has confirmed that, as its work approaches completion, one courtroom, office space and cells for 30 piracy suspects could be made available. The office space and numbers of cells available will increase during 2012 and 2013. However, the ICTR also highlighted that its premises are within the Arusha International Conference Complex, which it shares with other international bodies. It also raised serious security concerns about hosting an extraterritorial Somali anti-piracy court within those premises.

The United Nations Department of Safety and Security shares that concern and advises that a full security risk assessment would be needed. They consider that hosting the anti-piracy court would significantly increase the security risks to the ICTR, and potentially to the United Nations more widely. The fact that the premises are shared limits the ability to upgrade security. DSS therefore recommends that stand-alone premises would need to be found.

The Government of the Seychelles considered that the proposal for an extraterritorial Somali anti-piracy court needed considerable further discussion and consultation before any substantive reply could be prepared for the Security Council.

The Government of Mauritius supported the idea of an extraterritorial Somali anti-piracy court, but was faced with a number of practical difficulties and capacity constraints that prevented it from hosting a court at this stage.

If the proposal for an extraterritorial Somali court were to proceed, a key modality would be the negotiation of an agreement between the Transitional Federal Government and the host State to regulate their respective rights and obligations. Drawing on the Lockerbie precedent, in which the United Kingdom and the Netherlands agreed in 1998 that a Scottish court could conduct a trial in the territory of the Netherlands, such agreement would be likely to require provisions to regulate the exercise of Somali jurisdiction within a specified location in the territory of the host State; the receipt and transfer of suspects through the territory of the host State; the security of premises and persons; privileges and immunities; cooperation between the two States; and the responsibility for costs.

It is difficult at this stage to estimate a timeline for the establishment of an extraterritorial court. Factors affecting the timeline would include, for example, the views of the concerned States and the need for the negotiation of an agreement between the Somali authorities and the host State for the establishment of the court. Some of the relevant factors are currently being addressed, such as the training of judges and other legal professionals, as well as the improvement of prison conditions in Somalia. We have also confirmed that legal experts from among the Somali diaspora would be contactable and may be available to mentor and assist Somali legal professionals.

Similarly, it is difficult to estimate the costs of the establishment and functioning of an extraterritorial court at this stage. The closest comparisons that we have may be the costs of the Special Panels in Timor-Leste, which were approximately \$4 to \$5 million dollars per year, and the Bosnia War Crimes Chamber, which costs about €13 million per year.

If, at the other end of the spectrum, there were to be participation in an extraterritorial court by United Nations-selected judges, prosecutors and staff, the closest comparison would be the Extraordinary Chambers in the Courts of Cambodia, which is a national Cambodian court with a United Nations

component embedded within it. Its budget for the current biennium is \$92.3 million.

I would like to underline the position that I set out at the beginning of my statement. If the Council wishes to mandate the Secretary-General to look in greater depth at any of the particular modalities considered in the report, or to request the Secretary-General actively to address any of the modalities with a view to moving towards the establishment of Somali specialized courts, including an extraterritorial Somali court, we will do so urgently.

This brings to an end my introductory remarks. I am looking forward to the debate and am happy to answer any questions.

**The President** (*spoke in French*): I now give the floor to members of the Council who wish to make statements.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): We are grateful to Ms. O'Brien for her briefing and for the thorough analysis contained in the report of the Secretary-General (S/2011/360) on the legal and practical aspects of the establishment of specialized anti-piracy courts in Somaliland and Puntland and an extraterritorial Somali court with international participation. The report provides sufficient basis for further movement forward towards the creation of an effective system for the judicial prosecution of pirates. It is important to carefully analyse the constitutional and legal framework for the establishment of new anti-piracy courts and their possible material and procedural bases, as well as questions relating to staffing and security.

We welcome in particular the readiness of Tanzania, as noted in the report, to host the extraterritorial court on its territory. The Security Council would thus have, in the leadership of that country, a responsible and reliable regional partner in the criminal prosecution of pirates.

However, we share the view of Tanzania that strengthening the extraterritorial court by adding an international component is a necessary condition for its effective functioning in accordance with international standards.

There are numerous problems noted in the report concerning the creation of a system of anti-piracy courts. We had expected that there would be many, but there are no more than there were when the Security

Council helped to create other judicial organs, and they can all be resolved with sufficient political will.

In that connection, we are concerned at the information contained in the report on the lack of consent from the Transitional Federal Government and regional Somali authorities with respect to the idea of two anti-piracy courts, in Somaliland and Puntland, and an extraterritorial court. We do not believe that such a position is rational. It is clear that neither Somalia nor other States that are in a more favourable position can deal alone with the problem of the judicial prosecution of pirates. Even international efforts to strengthen the capacity of the judicial systems of Somalia and other States in the region have proved insufficient, as is evident from the statistics contained in the report. Thousands of Somalis are involved in the piracy business, and, in spite of all the efforts made to strengthen the capacity of national judicial systems, only a few of them reach the court system.

If we look beyond narrow interests, it is clear that there is no choice other than to create two specialized courts, in Somaliland and Puntland, and an extraterritorial court with international participation. That is the absolute minimum.

The current situation involving piracy in general and the judicial prosecution of pirates in particular is far from being acceptable. It is necessary to continue to make clear to the Somali authorities the advantages of the option for the criminal prosecution of piracy, which is exclusively pro-Somali in essence. Together with the other members of the Security Council and the Secretariat, we will endeavour, in the near future, to work on eliminating existing obstacles to the creation of courts in Somaliland and Puntland and an anti-piracy court with international participation. We do not rule out the possibility of other options that do not stipulate the need to obtain consent from the Somali authorities. We will also look for ways to resolve other problems noted in the report.

We are convinced that any measures provided for in resolution 1976 (2011) to fight against piracy in the economic and security areas can be successful only if they are paired with steps aimed at the effective creation of a mechanism involving international participation for the judicial prosecution of pirates.

**Mr. Moraes Cabral (Portugal):** I wish to thank the Secretary-General for his comprehensive report

(S/2011/360) and the Legal Counsel for her presentation.

The report, in its analytical approach, reflects the difficulty of the subject that we are addressing today. Piracy off the coast of Somalia is indeed a complex issue, as the Council has acknowledged, in particular in its resolution 1976 (2011), adopted in April. A solution to this problem requires responding to a variety of social, economic and security challenges. The report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, Mr. Jack Lang (S/2011/30, annex), was particularly eloquent in that regard.

One of the most important proposals to fight the piracy threat in the region was the establishment of an extraterritorial Somali court functioning in Arusha. The solution, long defended by my country, represents the most practical way of swiftly addressing the situation of impunity for piracy in the region through a Somali solution — a solution that is flexible enough to help attract international capacity support, capable of responding to needs on the ground as they evolve, and also able to be rapidly set up, since it could rely on existing facilities.

It was with this in mind that the Security Council requested the Secretary-General, in its resolution 1976 (2011), to report on the modalities for the establishment of specialized Somali courts to try suspected pirates, both in Somalia and in the region, including an extraterritorial Somali specialized anti-piracy court consistent with applicable human rights law and with the participation of international personnel and other international support.

The thorough report presented by the Office of Legal Affairs deals with the many components of the solution and identifies exhaustively the difficulties and challenges ahead. We note in particular the complex political context, the security situation in Somalia and the need for stabilization in the country and, in particular, for political will for such a solution to be viable.

We encourage the Office of Legal Affairs to pursue its efforts in that regard, in particular in its contacts with the Transitional Federal Government in the months to come so as to determine, in cooperation with the Somali authorities, a feasible road map of activities conducive to the establishment of a Somali

judicial solution to piracy, including through the definition of the necessary legal framework.

We welcome also the positive response by the Government of Tanzania to the proposal to establish an extraterritorial Somali specialized anti-piracy court in Arusha. Such a solution, which builds on existing premises and capacity in the existing International Criminal Tribunal for Rwanda (ICTR) premises, seems to be a practical way forward. We note also the convergence of this aim with the downsizing and completion strategy of the ICTR, and the possibility of using available space in courtrooms and facilities in the near future, not losing sight, naturally, of the security needs to be safeguarded.

We thank the ICTR for its cooperation and positive approach and welcome further efforts in evaluating concrete needs to accommodate this solution. We commend also the active support of the United Nations Office on Drugs and Crime in training in the area of judiciary activities and in prompting the necessary debate over the future needs for such a solution.

To fight the scourge of piracy, we should concentrate our efforts on targeting those suspected of financing and planning acts of piracy. They are the most responsible for and the real masterminds of the majority of piracy incidents off the coast of Somalia and should therefore be the principal aim of our action.

As the report underlines, consultations with a number of Member States, INTERPOL, the United Nations Office on Drugs and Crime, the Department of Political Affairs and the Monitoring Group of the Security Council Committee established pursuant to resolution 751 (1992) suggest that the identities of key leaders of pirate networks and their location and political connections are widely known. Many of them are reportedly within Somalia. Therefore, any solution that is aimed at prosecuting such persons cannot be detached from the legal environment of where they actually live.

That is why a solution must be based on Somali law, even if initially through an extraterritorial court justified by the current security situation in Somalia and the need to ensure safe and swift investigation and prosecution. Such a solution would, indeed, allow for investigations to be conducted securely from the outside but under a legal framework that would

facilitate the execution of the necessary procedural acts in Somalia, including arrest warrants.

Finding a solution to counter impunity for piracy has never been easy. Moreover, in the particular situation of the Somali conflict and the security environment in the country, the challenge is even more complex. But we remain convinced that any solution to piracy off the coast of Somalia can be found only inland. The capacities to be established now are to benefit this country, because only by supporting Somalia to overcome this challenge can the international community put an end to the scourge of piracy in the region.

We strongly support the Office of Legal Affairs and encourage it to pursue all necessary efforts with that goal in mind.

**Mr. Hardeep Singh Puri (India):** Let me begin by thanking the Under-Secretary-General for Legal Affairs, Patricia O'Brien, for briefing the Council on the report of the Secretary-General (S/2011/360) submitted pursuant to resolution 1976 (2011) on the modalities for the establishment of specialized Somali courts to try suspected pirates in Somalia and outside, including an extraterritorial Somali specialized anti-piracy court and the possible participation of international personnel and other international support and assistance.

The international community is facing an unprecedented and growing threat from piracy. The report of the Secretary-General (S/2011/360) presents a very alarming picture. Despite an increased naval presence in the Internationally Recommended Transit Corridor (IRTC), piracy attacks off the coast of Somalia have continued to increase, as have the geographical range of the attacks and the level of violence employed by pirates.

As of 14 June, 23 ships are being held by pirates, with a total of 477 hostages. The geographical area of the attacks now stretches to 2.8 million square miles, which is not easy for naval forces to patrol. The use of overwhelming force by pirates to overcome security personnel on board merchant ships and the use of hijacked crews as human shields are also matters of serious concern.

Piracy is not only a threat to the freedom of maritime navigation; it has destabilizing effects on global and regional trade and on security and is

jeopardizing the lives of seafarers, who are the lifeblood of the international economy.

To combat this menace, this Council has adopted a multilateral and multidimensional approach that as a first step led to the establishment of the Contact Group on Piracy off the Coast of Somalia, in January 2009, of which India is a founding member. Though naval ships deployed in the Gulf of Aden have successfully thwarted several piracy attempts and have provided security escorts to the merchant marine in those waters, the growing scope and expanding area covered by the problem indicate that naval operations alone may not be sufficient and that there is an urgent need to adopt a comprehensive counter-piracy strategy.

In that connection, I would like to mention the issue of seafarers, who are the lifeline of merchant shipping. India contributes around seven per cent of the world's merchant marine and thus has an abiding interest in their safety and security. So far, the main focus of our concerted efforts has been to protect the ships from pirate attacks and on issues related to prosecution and punishment of pirates. Keeping in view the increasing incidences of seafarers being taken as hostages and the intensity of the violence used against them, there is a need to pay special attention to the safety, security and well being of seafarers taken hostage and to their quick release by whatever means appropriate.

In addition to a naval solution, this Council is also focusing its attention on ways and means to effectively apprehend, prosecute and punish those who engage in piracy. Capacity-building, not only of Somalia but of other States in the region, is an essential component of such mechanisms. India has welcomed efforts to counter piracy by enhancing regional cooperation and capacity-building of States in the region. The international community needs to recognize that any effort to prosecute and imprison pirates cannot succeed without the effective involvement of the States in the region.

The issue of imprisonment of convicted persons can be best addressed by building prison infrastructures in the region, ideally in Somalia. It is also important to ensure that sustained and predictable financing is available to the host States to handle the financial burden of prosecuting and imprisoning convicts over periods of long duration.

Ensuring sound and prompt prosecution of piracy suspects and their imprisonment subsequent to trial is critical to prevent impunity and deter further attacks. We fully support strengthening the ongoing United Nations assistance programmes and extending them to regional States to build capacities for prosecution and imprisonment of pirates. United Nations assistance could focus on the three main components of legal reform: capacity-building for prosecution and trial of piracy cases, effective law enforcement, and improvement of prison infrastructure in Somalia and regional States.

We commend the efforts of the United Nations Office on Drugs and Crime (UNODC), which has contributed significantly to strengthening the law enforcement, prosecutorial and judicial capacities in Puntland and Somaliland. We are very encouraged by the number of piracy cases successfully prosecuted in Somalia, and we urge UNODC to continue its good efforts.

We also appreciate the efforts of the United Nations Development Programme in increasing prison capacity and improving safety and security in Somalia so that those held responsible for committing acts of piracy can undergo imprisonment in their own country. This would also help in the smooth rehabilitation of convicts once they are released after completing their sentences. Establishment of more such prisons would also enable the transfer of convicted persons from other countries to undergo the remainder of their sentence in Somalia.

We welcome the volunteering by States in the region to cooperate in the prosecution and punishment of suspected pirates. We support the establishment of any extraterritorial court outside Somalia in which Somalis have an ownership, the courts that are manned by Somali judges and prosecutors in accordance with Somali law. We are happy to note from the Secretary-General's report that the requisite expertise may be available in the Somali diaspora and that they are willing to contribute to the Somali cause.

Participation of an international component as judges and prosecutors in anti-piracy courts may not be a pragmatic and long-term solution to the problem. Anti-piracy courts cannot be equated with specialized international tribunals set up for dealing for cases of war crimes or crimes against humanity. Pirates belong to an ordinary class of criminal, and they should be

treated like any other criminal who commits similar offences on land.

Besides being cost-effective, the approach with Somali ownership will be relatively easier to implement, as it would utilize an existing jurisdiction with established crimes and procedures. The regional proximity would be useful for the purpose of the transfer of suspects by patrolling naval States and of those convicted to third States for imprisonment.

We fully support the finding in annex IV of the report that steps to disrupt land-based pirate activities and the associated financial flow are necessary in a multidimensional counter-piracy approach. Therefore, it is essential to investigate and prosecute individuals who provide the leadership and financial flows that sustain piracy. That would require broader criminal legislation to include crimes of extortion, kidnapping, conspiracy, money-laundering and financing of pirate activities.

Given the limited capacity of the Transitional Federal Government and other countries in the region, there is a strong need for capacity-building in this area too, with the active collaboration of UNODC.

In conclusion, we would like to emphasize that with the increased presence of international naval forces off the coast of Somalia and in the Gulf of Aden, pirates have moved to other areas. There has been an increase in piracy activities in the larger Indian Ocean area outside the IRTC. India has a strong and abiding interest in ensuring the security of maritime traffic off the Somali coast and in the Gulf of Aden. We stand ready to contribute to any international effort to increase effective cooperation among States to tackle the threat of piracy and armed robbery at sea and the safety and release of hostages taken by pirates.

**Sir Mark Lyall Grant** (United Kingdom): I thank the Secretary-General for his report (S/2011/360) and Patricia O'Brien for her comprehensive briefing this morning. I also commend Mr. Jack Lang, Special Adviser to the Secretary-General, for his work on this issue, which led to the adoption of resolution 1976 (2011).

The United Kingdom remains strongly committed to the fight against piracy across the spectrum of necessary activity to address piracy directly and to tackle the roots of piracy on land. We continue to provide military assets in support of the European

Union, NATO and the Combined Maritime Forces counter-piracy naval operations, and we provide capacity development support to regional partners, including direct support to the Coast Guard of the Seychelles.

The United Kingdom is supporting work to target pirate leaders and disrupt the financial flows linked to piracy. The United Kingdom is also taking forward work to identify how development work can most effectively be targeted to undermine piracy.

As a key part of this commitment to a comprehensive approach to counter-piracy, the United Kingdom strongly supports efforts to deliver viable legal solutions. In the past year the United Kingdom has provided \$8 million of support for the work of the United Nations Office on Drugs and Crime in building the capacity of local courts and prisons in the region, in line with the Special Adviser's recommendations.

In our view, there must be particular emphasis on efforts to build prison capacity, which remains the critical capacity issue, much more so than court capacity. It is of note that there is a greater willingness among regional partners to prosecute suspected pirates than there is to hold those convicted, and that the Somali administrations are willing to accept post-trial transfers from courts in the Seychelles, and in principle from others too, once similar agreements are reached. The United Kingdom welcomes the stated intention of the authorities in Somalia to work with the United Nations on specialized anti-piracy courts within Somalia and on prisons within Somalia to provide more capacity in both areas as soon as possible.

As Patricia O'Brien has highlighted this morning, the report sets out the clear view of the Transitional Federal Government of Somalia and the regional administrations of Somalia that they do not support the establishment of a specialized Somali anti-piracy court outside of Somalia. We believe that it would be wrong to disregard their views.

In addition, the report sets out the challenges and difficulties that would be faced in setting up such an extraterritorial court. It seems clear that it would not be workable in the near future for legal and other reasons, nor would it be cost-effective when compared to the costs of prosecution in national courts in the region or elsewhere. The United Kingdom believes that such a proposal should therefore now be put aside and efforts

and money focused instead on supporting national courts and prison capacity.

Regarding the specific proposal to base an extraterritorial court in Arusha, the United Kingdom believes that a single extraterritorial court in Arusha would be unable to handle the problem. Both the judicial and detention requirements would be more than Arusha can provide, particularly while the Rwanda Tribunal continues its work.

The United Kingdom is willing to consider prosecuting pirates in its national courts on a case-by-case basis, especially where our nationals have been affected, and we encourage all flag States and international partners to show similar willingness. We pay tribute to partners who have taken forward such prosecutions already and express particular gratitude to the Governments of Kenya, the Seychelles and Somalia for their leadership role in the region, as well as to the Governments of India and the United States for their repeated willingness to take determined steps to ensure prosecution of the pirates captured by their military forces.

**Mrs. Ogwu (Nigeria):** I also want to thank Under-Secretary-General O'Brien for her insightful and comprehensive briefing on the Secretary-General's report (S/2011/360).

The Secretary-General's report does not just paint a vivid picture of the challenges in the fight against piracy off the coast of Somalia. It also profiles a range of options to address the threat with a renewed sense of urgency. Nigeria shares this sense of urgency, including with regard to the need for swift action, considering the devastating impact of piracy on Somalia, the Horn of Africa and especially international trade. We share the Special Adviser's basic premise that convergent comprehensive measures are required to co-opt the menace, in particular the establishment of a legal regime to prosecute piracy cases. We believe that such a regime should be anchored in internationally supported, Somali-led objectives and national ownership.

Nigeria supports the measures the Secretary-General has outlined in the report to engender global cooperation in the fight against piracy. We believe that overcoming the jurisdictional, legislative and constitutional challenges to multinational prosecution of piracy cases requires international cooperation. Mindful of the significant investment required, we

welcome the Special Adviser's estimated timeline of two to three years for developing the requisite national and regional legal regime and infrastructure to combat piracy. The depth of talent and ability within the Somali diaspora should be explored to augment local capacity and build a robust extraterritorial legal system.

Nigeria views broad-based regional criminalization of piracy and the establishment of specialized piracy courts within Somalia and the region as imperative in the fight against piracy. To foster regional cooperation, we support enhanced coordination and information-sharing among the private sector, law enforcement agencies and relevant international and regional organizations. Indeed, we support the strengthening of anti-money-laundering capabilities in the region.

As significant as these counter-piracy measures are, they will require a determined, cohesive government to steer their implementation. With the Al-Shabaab-driven insurgency and the incessant wrangling plaguing the leadership of the Transitional Federal Institutions, piracy has not yet received the desired robust response from the Transitional Federal Government (TFG). Stabilizing Somalia's political environment is therefore a prerequisite to a comprehensive and enduring counter-piracy action.

As expressed in resolution 1976 (2011), Somali authorities should assume the responsibility of creating clear political and economic alternatives to piracy. Reviving Somalia's domestic industry is in consonance with the Special Adviser's suggested cluster of measures for preventing piracy. The TFG institutions should now begin the process of building consensus on national goals around the Kampala accord, following the resignation of Prime Minister Mohamed. We encourage parliament to revise Somalia's law to provide a sound criminal and procedural basis for prosecutions. States in the region should also take similar actions under their domestic laws, in accordance with resolution 1918 (2010).

Considering the negative effects of illegal fishing and maritime pollution, Nigeria remains unwavering in its support of the Special Adviser's recommendation on the establishment of an independent committee to investigate allegations of illegal fishing and dumping of toxic waste in Somali waters. We also renew our call for generous contributions to the trust fund for this purpose.

With regard to the appropriate reach of an extraterritorial court, our view is that it is primarily a jurisdictional issue. Nigeria has always viewed piracy as a crime of international jurisdiction. Therefore, pirates may be prosecuted by any regional court of sufficient competence within Somalia and the region. However, given the necessary challenges to managing a regional court, we believe that such a forum should be reserved for high-profile cases of regional significance.

**Mrs. Dunlop** (Brazil): We thank Under-Secretary-General Patricia O'Brien for her very informative briefing.

Piracy is a serious scourge affecting the situation in Somalia. It has further aggravated the grave crisis in the country. The consequences of piracy extend far beyond Somalia's borders and threaten the stability of the entire region. Its material burden has reached alarming levels and has been surpassed only by the tragic human costs to those who face the horrors of kidnapping and death.

The comprehensive report of Special Adviser Jack Lang (S/2011/30, annex) was a welcome contribution to the considerations of the international community on the issues. We welcome the fact that resolution 1976 (2011) incorporated many of the recommendations of that report. The report of the Secretary-General (S/2011/360) being discussed today addresses an important component of that effort as it elaborates on the modalities for the creation of specialized Somali anti-piracy courts.

Brazil gives particular attention to the issue of capacity-building for training in the provision of adequate facilities for the tasks involved in the prosecutorial process. We also encourage Somali authorities to give due attention to the need for revision in its legislation on piracy, and to establish the necessary laws for efficient criminal and procedural foundations for prosecutions. Regarding the issue of extraterritorial Somali courts, the opinion of Somali authorities must be the guide to any action by the international community.

As we continue to deliberate on better ways to combat piracy, it will be necessary to maintain efforts towards the improvement of prosecution mechanisms, while at the same time focusing on the deeper issue of the underlying causes of piracy. We fully concur with the assertion of Mr. Lang's report that it is necessary to

create socio-economic opportunities that can curtail the recruitment of pirates and to encourage alternatives that contribute constructively to the situation in Somalia. As Brazil has previously stated, a comprehensive strategy is required so as to combine repressive and punitive measures with preventive ones through initiatives on land that can help mitigate the problems at sea.

**Mr. Dunn** (United States of America): We join our colleagues in thanking Under-Secretary-General O'Brien for her thorough briefing this morning. The United States fully agrees with Under-Secretary-General O'Brien and Special Adviser Jack Lang that to address piracy effectively solutions must be found both on land and at sea, and that there must be judicial consequences for those involved. In that regard, I would like to thank the United Nations Office of Legal Affairs (OLA) for rapidly compiling this informative report (S/2011/360), which discusses the feasibility of specialized Somali counter-piracy courts both in and outside Somalia, as well as valuable information on ongoing enhanced prosecutorial efforts in other States of the region.

The Secretary-General's report emphasizes the ongoing work of the United Nations Office on Drugs and Crime (UNODC) and of the United Nations Development Programme towards establishing courts in Puntland and Somaliland within the existing authorities. We commend and support that important work. With United Nations assistance, trials in Somaliland and Puntland are expected to reach international standards, thus permitting the transfer of suspects to Somalia for prosecution within three years. Prison capacity, significantly enhanced also to international standards, is expected in two years.

We believe that building on the ongoing efforts in Somalia along those lines may be the most effective and efficient way to help meet the goal of the Lang report (S/2011/30, annex) for the Somalization of the anti-piracy effort. Based on the report's findings, it is clear to us that an extraterritorial Somali piracy court is not a viable option due to opposition to the idea from Somalia itself and the host of constitutional, procedural, security, financial and logistical issues identified in the report. The Somali authorities have been clear that they do not support that idea, as confirmed in the OLA report. In addition, the report makes clear that major amendments to the Somali Constitution, even to the Transitional Federal Charter,

would be required to provide a basic legal foundation for an extraterritorial court. We believe that such changes are not realistic, especially given the lack of support from Somalia for such an objective among the many competing priorities.

While long-term efforts to improve the judicial and prison capacities in Somalia are under way, we must address the urgent need to establish a reliable venue in the region for the prosecution of suspected pirates captured by international naval forces. The United States supports the establishment of a dedicated piracy chamber or court in one or more States of the region, applying the national law of the State in which it sits. If the law of the host State allows, that dedicated court or chamber can be supplemented with international personnel, including foreign prosecutors and judges. With adequate international support, it could be established almost immediately in one of several States in the region that already has robust piracy law in place.

In terms of the next steps, the Seychelles has offered to host a regional prosecution centre, given sufficient prison capacity to imprison convicted pirates. We also welcome the confirmation in the OLA report that Tanzania is willing to host a dedicated piracy court on its territory. The international community should consult with any other State of the region discussed in the report, or that otherwise might come forward, to develop a plan to establish in the very near term a dedicated piracy court or chamber in the region.

As recognized in the Lang report, we must not forget that incarceration is perhaps the most significant constraint on piracy prosecutions. In that regard, the United States urges Puntland and Somaliland to pass any necessary prisoner transfer legislation. We agree that if the international community will invest in the construction and rehabilitation of prisons in those regions, convicted Somali pirates could be housed humanely and securely in such facilities.

Finally, the United States is committed to pursuing the means to disrupt the pirate enterprise ashore, including by tracking illicit financial flows, in an effort to identify and prosecute the organizers and financiers of piracy. To that end, we energetically support the leadership of Italy, South Korea, INTERPOL, UNODC and other partners in that regard.

In conclusion, in cooperation with the international community, the United States plans to

continue to address actively the issue of piracy as we seek to assist Somalis in bringing stability to their country. The roots of the piracy problem remain on land. In that regard, the United States will continue to support the Djibouti peace process, the Transitional Federal Government and the African Union Mission in Somalia to work towards greater stability, governance and economic viability throughout Somalia.

**Mr. Araud** (France) (*spoke in French*): Nearly five months ago, the Security Council met to listen to the report of the Special Adviser of the Secretary-General on Piracy, Mr. Jack Lang (see S/PV.6473). The overall feeling then was one of urgency. More recently still, in a message of 18 April, the Secretary-General underscored that piracy was rapidly growing and that the scale of the phenomenon seemed to be overtaking the efforts being implemented by the international community to overcome it.

I will make two comments today. First of all, the diagnosis has not changed. By adopting resolution 1918 (2010), the Council noted that the absence of legal solutions encouraged the pirates' impunity and only increased the scourge of piracy. Since then, that situation has only deteriorated.

The report before us (S/2011/360) notes that attacks off the Somali coast, their geographical range and the level of violence used have continued to increase. Since 1 January, there have been 171 attacks, of which 18 were successful. In May, pirates detained 26 boats and 601 hostages. Crews that are taken hostage are used as human shields. Recently, a Filipino sailor was executed. Four American citizens have been killed. According to estimates, there are about 500 pirate leaders, 300 group leaders and 250 carrying out the attacks. That being the case, 9 of 10 pirates are released owing to the lack of capacity of judicial and prison systems.

France once again thanks the States of the region for their efforts — Kenya, where the prosecution of 69 people is still ongoing; the Seychelles, which has 23 on trial; and Tanzania, which is prosecuting six. Their contributions must be acknowledged. However, it would be unfair to think that those countries could cope with the scale of the phenomenon. A new solution is necessary. We must show pragmatism.

My second comment is that we know the solution, and it is a Somali solution. In entrusting the drafting of the report to Jack Lang, the Secretary-

General was proposing to the Security Council a formula that could provide a rapid and effective solution. Two months ago, the Council decided to urgently study the possibility of creating specialized Somali jurisdictions, including an extra-territorial Somali specialized court. The Council also requested a strengthening of the incarceration capacity in Somalia and a report by the Secretary-General on modalities for these initiatives, with a view to taking new decisions.

What does the report tell us? First of all, that the legislative, penal and procedural framework in Somalia for fighting piracy is incoherent and out of date. Duly noted, but we must be proactive and try to adapt that framework.

With respect to the issue of jurisdiction in Somalia, the assistance of the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) will enable Puntland and Somaliland to try only "around 20 additional cases each per year" (S/2011/360, paragraph 10), but not for three more years. That is why we must set up specialized jurisdictions and not simply use what we have. Here also, the work has just begun.

Finally, with respect to incarceration, UNODC has the funds to build two new prisons, one in Somaliland and one in Puntland, with the capacity to hold 1,000 inmates, which, it is proposed, would be reserved for pirates convicted outside of Somalia. How can we deprive Somalia of the right to prosecute its own nationals? In addition, the two-year delay is too long. We therefore need to look, together with UNODC, at ways of shortening that time period.

It is not a time to be discouraged, but a time to take action. In reading the report of the Secretary-General, I sometimes feel that the Secretariat is overwhelmed by the magnitude of the undertaking. This we understand, and we sympathize, but opportunities do exist. The report notes that there is a pool of international experts in the Somali diaspora who would be ready to participate in specialized jurisdictions, whether inside or outside Somalia.

Creating an off-site Somali court, an idea that was supported by most of the speakers preceding me, would, of course, be feasible. We know, for example, where the court could be set up temporarily. Tanzania, whose commitment to this matter I welcome, expressed its readiness to host such a chamber in Arusha, on the

site of the current International Criminal Tribunal for Rwanda (ICTR). The use of infrastructure from the Residual Mechanism of the ICTR to deal with piracy at the judicial level would be negligible in terms of cost.

Also, more generally, establishing an off-site Somali court would be an easy solution. The court's functioning would require an estimated \$7.5 million over three years, or hardly more than \$2.5 million per year. Above all, this cost is negligible in comparison with the overall global cost of piracy. If we add up the economic costs of this scourge and the cost of related military operations, piracy every year costs us between \$7 billion and \$12 billion.

The report notes the division among the Somali authorities. It is up to the members of the international community to make clear their expectations to the Somali authorities. We expect the Transitional Federal Government to shoulder its responsibilities in dealing with this threat, which the Council has called a threat to international peace and security. The proposed solution offers an opportunity to develop Somali judicial capacities with the assistance of the international community.

Among the important questions raised by the report concerning extraterritorial Somali jurisdiction, I would highlight that of the scope of jurisdiction. Should such a court investigate and prosecute those who finance and plan acts of piracy, or prosecute only those who carry them out? That is a good question. It is clear that preparing comprehensive files on those primarily responsible for such crimes would require international expertise — more so than in other cases. Could we consider a precursor group in Tanzania to deal with such questions? Such prospects must be investigated quickly and in a lasting manner in order to effectively strengthen Somali capacities.

We must be creative and imaginative. It is clear that obstacles remain, and my delegation is the first to recognize them. But if we talk only about obstacles, we will not accomplish anything.

Over a year after the adoption of resolution 1918 (2010), it is time to act. We owe it to the sailors and users of the sea, who are on the front lines of the battle. The Secretary-General stated recently — and France shares his view — that their security and well-being should be our primary concern. We are ready to work with the members of the Council and with the

Secretariat to move forward in a concrete and speedy manner.

**Mr. Salam** (Lebanon): At the outset, allow me to thank the Under-Secretary-General, Ms. O'Brien, for her valuable briefing.

My delegation would like to emphasize the importance of resolution 1976 (2011), which demonstrates the resolve of the Council to assume a more forward-looking policy aimed at establishing mechanisms to prosecute piracy and armed robbery off the coast of Somalia, on the basis of the recommendations set out in the report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, Mr. Jack Lang (S/2011/30, annex). The resolution further reflects the need to adopt a holistic approach towards combating piracy, which constitutes a threat to, inter alia, human life, development, international navigation and trade.

The failure to prosecute suspects and incarcerate those responsible for piracy and armed robbery severely undermines anti-piracy efforts. The deteriorating situation, as described in the Special Adviser's report, particularly given the increasing number of piracy attempts off the coast of Somalia and the enduring catch-and-release practice, requires a strong response from the Council. This is necessary in order to enable interested parties to set up prosecution mechanisms before reaching what Mr. Lang has referred to as a point of no return in the fight against this serious offence.

We take note of the Secretary-General's report (S/2011/360) and would like to highlight the following points.

First, we stress once again the importance of the incorporation of international law applicable to combating piracy and armed robbery into the domestic law of the States of the region. We take note of the progress described in the report in this respect and look forward to enhanced assistance to the relevant authorities with a view to enabling them to adopt anti-piracy laws.

Secondly, my delegation welcomes the participation of regional States in the prosecution and trial of suspected pirates and the enforcement of sentences and would like to commend those who have expressed readiness to host potential extraterritorial

Somali courts within their respective jurisdictions. This does not do away, however, with the need to continue to give priority to supporting, strengthening and modernizing Somali courts on Somali lands.

We are also fully cognizant of the concerns of regional States with regard to security, logistics, international cooperation and funding. Assistance from the United Nations and donor countries in this respect would be crucial for the efficient and sound implementation of any decision to establish an extraterritorial Somali court in any neighbouring State that has expressed its willingness to host such a body.

Thirdly, more avenues should be explored in order to secure the jurisdictional basis under Somali law and the laws of any host State, namely the legal reforms necessary to authorize the required executive and judicial jurisdiction over suspected pirates. We encourage the United Nations to assist Somalia and potential host States in clarifying the pending jurisdictional matters described in the report. The United Nations has an additional advantage in this regard, as it can draw lessons from its rich experience in the various models of international education it has set up or assisted States in so doing.

Fourthly, we look forward to further dialogue between the Transitional Federal Government, as well as the transitional federal institutions, and the United Nations, so that an agreement can be reached as to the most appropriate arrangements and their modalities in order to bring offenders to justice.

The aim of this meeting is to specifically address the mechanisms for the prosecution of piracy. However, we must think of judicial mechanisms as one tool that should complement others that ensure economic and social development.

We would also like to recall here that resolution 1976 (2011) importantly highlights the need to investigate the threats to the health and livelihoods of Somalis related to illegal fishing and the dumping of toxic substances off the country's coast.

The international community needs to remain one step ahead of the pirates. For that reason, we look forward to the Council's full engagement with the affected countries and the relevant United Nations agencies in order to keep up the momentum in our collective counter-piracy efforts.

**Mr. Berger (Germany):** I thank the Legal Counsel for her detailed briefing on the modalities for the establishment of specialized Somali anti-piracy courts. We also commend the report of the Secretary-General (S/2011/360) for its detailed analysis of the legal, administrative and financial implications.

Despite some progress in recent months, Germany is very concerned about the persistent threat of piracy and armed robbery off Somalia and in the region. The Security Council clearly needs to continue to address this threat to peace and security. The Council has taken up this task by unanimously adopting resolution 1976 (2011). The Security Council and the international community have shown unity and resolve, but we have to step up our efforts.

The report of the Secretary-General identifies a number of challenges with regard to the establishment of specialized Somali anti-piracy courts and the setting up of an extraterritorial Somali court in a third country in the region. We hold the view that it must ultimately be in Somalia that pirates are prosecuted and imprisoned. The urgent establishment of adequate structures in Somalia is crucial to reaching that goal.

We therefore share the aim of assisting the Somali justice system to prosecute piracy suspects in accordance with international standards, in particular fair trial and due process guarantees, and to imprison those convicted in accordance with international human rights standards, thereby enabling States to transfer piracy suspects to Somalia.

To that end, we would like to encourage all countries to continue their efforts and commitments in that regard. We appreciate the efforts of neighbouring States of Somalia and States in the region, such as Kenya and the Seychelles, to contribute to the efforts to prosecute piracy suspects. We believe these efforts need to be further enhanced until the Somali justice system is able to prosecute piracy suspects.

The activities of the Contact Group on Piracy off Somalia and its Trust Fund are important and very useful components of these combined efforts. We support these efforts and invite others, including the shipping industry, to further participate and commit funds in order to build support for courts and prisons in Somalia that are up to acceptable international standards.

Let me also mention the recent signing of a memorandum of understanding between the Seychelles, the Transitional Federal Government, Somaliland and Puntland concerning the transfer of convicted persons from the Seychelles to prisons in Somalia. This is the first arrangement entered into by Somali authorities in that regard.

The Secretary-General's report describes challenges with regard to the establishment of an extraterritorial Somali specialized anti-piracy court in a third State in the region. We take note of these challenges. The numerous uncertainties show that this option needs further and thorough exploration. However, we should continue to follow up on the Secretary-General's report in this respect and try to find solutions to the challenges he presented.

With regard to the financial implications of the eventual establishment of such an extraterritorial court, we take note of the report's finding that it would not be possible at this stage to comment authoritatively on costs figures. We would nevertheless like to underline that any such solution would have to be found within reasonable financial limits.

Let me conclude by underlining that we look forward to constructively continuing cooperation with partners in the Security Council and the Contact Group.

**Mr. Wang Min (China)** (*spoke in Chinese*): I wish to start by thanking Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, for her briefing. We have noted that there has indeed been some positive progress on bringing Somali pirates to justice, as evidenced by the increased number of prosecutions and of countries pursuing prosecutions, which we welcome. At the same time, we also note that the peace process in Somalia still faces many challenges and that piracy is still rampant, which is a cause for concern. I wish to make the following points with regard to the fight against piracy off the coast of Somalia.

First, detaining and prosecuting Somali pirates and ending impunity are crucial steps in our fight against piracy off the Somali coast. We support the continued focus on this issue by the international community and we believe that the report of the Secretary-General (S/2011/360) lays a good foundation for future work in this area.

Secondly, we appreciate the willingness of Tanzania to host an extraterritorial specialized court. We have also noted that there are multiple challenges in establishing anti-piracy courts, both within and beyond Somalia. We call on the international community to step up its efforts and address problems gradually, on the basis of respect for the will of the Somali people, to reach a viable and effective solution to this problem.

Thirdly, strengthening the judicial capacity of Somalia and other countries in the region goes hand in hand with establishing anti-piracy courts both within and beyond Somalia. The United Nations Development Programme and the United Nations Office on Drugs and Crime have both done a great deal of work in that regard, for which we express our appreciation. We call on the international community to continue to provide assistance to Somalia and other countries in the region.

Fourthly, the root causes of piracy off the coast of Somalia lie on land. As such, our response should tackle both the symptoms and the root causes, with the overall objective of achieving peace and stability and promoting economic and social development in that country. To that end, the Transitional Federal Government and the international community should pursue a comprehensive strategy in promoting balanced interventions on all fronts.

**Mr. Mashabane** (South Africa): We would like to thank Under-Secretary-General Patricia O'Brien for her comprehensive briefing on the modalities for the establishment of specialized Somali anti-piracy courts.

South Africa remains concerned about the continuing incidence of piracy off the coast of Somalia. To that end, we encourage States to take action individually and collectively to punish acts of piracy in conformity with the United Nations Convention on the Law of the Sea.

South Africa wishes to reiterate its view that the threat of piracy off the coast of Somalia is but a symptom of the internal political problems of instability and conflict in that sister African country. The threat of piracy can therefore only be resolved through a comprehensive approach that seeks to bring peace, stability and economic development to Somalia, including through the provision of adequate resources through the African Union Mission in Somalia. South Africa is firm in its view that piracy has to be defeated on land by comprehensively addressing all the social-

economic, political and security challenges the people of Somalia face.

The reports of continuing illegal and unreported fishing in the waters off Somalia remain a major concern for us.

In addition, South Africa fully supports efforts to promote the rule of law and to fight the incidence of piracy off the coast of Somalia through the use of specialized anti-piracy courts, including extraterritorial courts. In our view, the establishment of a judicial mechanism such as this should satisfy two important requirements. First, it must be fully compatible with the constitutional and legislative framework of Somalia. Secondly, it must take into consideration the views of the Somali authorities in the regions where the courts are established.

My delegation thanks the Secretary-General for his comprehensive report (S/2011/360) on the modalities for the establishment of specialized Somali anti-piracy courts. We welcome the clarity that the report provides for assessing the recommendations contained in the report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia (see S/2011/30, annex), Mr. Jack Lang, on the establishment of the specialized Somali courts to try suspected pirates in Somalia and the region alike.

It is evident from the report that the establishment of such courts inside Somalia or in the region will require considerable financial resources and the building the necessary judicial capacity, establishing additional imprisonment infrastructure, addressing security concerns and creating the necessary constitutional and legal framework for facilitating the work of such specialized courts. What needs to be borne in mind is that the special courts are to be national courts. Therefore, there should be no disparities between piracy courts, jails in other courts or jails for other crimes in terms of the facilities to be established.

From the report, we observe the following major challenges outlined in establishing specialized Somali courts in Somalia. The first is the lack of adequate criminal and procedural legislation to provide a sound basis for piracy prosecutions in Somalia. Secondly, neither the Transitional Federal Government (TFG) nor the regions favour the participation of foreign nationals in proceedings in judicial or prosecutorial posts.

Thirdly, the views expressed by the United Nations Political Office for Somalia indicate that the current political climate in the country may make it difficult to pass the requisite legislation and amendments to the Transitional Federal Charter.

Under those circumstances, my delegation believes that it is important to take into consideration the views of the TFG and the regions in establishing such specialized courts. My delegation therefore welcomes the assistance and capacity-building provided by the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) to the TFG and regional authorities in Somalia in strengthening their national institutions in their anti-piracy efforts and in meeting international standards.

We further welcome the ongoing training of judicial officers and the construction and re-establishment of court and prison facilities in Somaliland and Puntland. That is particularly important given the express view of the Somalis that they do not wish foreign nationals to participate in judicial proceedings or prosecutorial posts. According to the report, the Somali authorities have expressed their support for the ongoing work of UNDP and UNODC in strengthening existing court structures in Somaliland and Puntland. The Security Council must consider those views in its deliberations on any future action.

Concerning the establishment of an extraterritorial Somali specialized anti-piracy court in another State in the region, we note the opposition of the TFG and regional authorities to the establishment of such courts. We should consider the development of a sustainable mechanism for resourcing national jurisdictions that have demonstrated willingness to arrest and prosecute pirates so as to enable them to pursue their efforts to put an end to impunity for piracy. This practice of catch-and-release has ensured the exponential growth of piracy, and it must stop.

We continue to encourage States to criminalize piracy in their national jurisdictions. In that regard, we urge flag States to prosecute piracy.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): I should like to thank Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, for her serious and detailed presentation on the report of the Secretary-General on

the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360) to try suspected pirates both in Somalia and in the region.

The situation has remained unchanged since our most recent meeting on Somalia (see S/PV.6532). Piracy attacks have continued to increase, as have the geographical range of the attacks and the level of violence and force used. Many hostages remain in captivity.

My delegation was a sponsor of resolution 1976 (2011) because it set forth the essential measures for moving forward with the fight against the crime of piracy over the medium term, with the prospect of contributing to national capacity-building in Somalia so as to enable its authorities to meet their obligations and needs over the long term.

Today, we remain convinced of the need to support and bolster State institutions, while recognizing its primary role in re-establishing security, political stability and the rule of law and relaunching its economic development as the bases for lasting peace and stability. In his report, the Secretary-General indicates that some of the assistance provided by the Organization, in particular the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC), has led to progress towards the achievement of the goals established in resolutions 1950 (2010) and 1976 (2011).

It is encouraging that steps have been taken to build capacity in the assize sections of regional and appeal courts in Somaliland and Puntland so as to enable them to prosecute cases of piracy and other serious crimes in accordance with international standards. Also promising is the progress made in building new prison facilities and renovating existing ones. Nevertheless, the Secretary-General warns of rising crime and the high level of impunity and highlights the need to secure resources for the adequate functioning of regional and federal courts.

Clearly, the specialized offices of the Organization must continue providing assistance to update and adapt the legislative basis at the regional and federal level in order to categorize piracy as a serious crime and draft a code of criminal procedure that meets international standards of due process.

With regard to the assigning of jurisdictions, we believe that the goal should be to establish courts with extensive jurisdiction that can be exercised in ordinary cases of piracy and in prosecuting financiers and facilitators of piracy. Although the latter cases are more complex and require more specialized courts and more time in which to become fully operational, they can have a greater impact on efforts to prevent and eliminate the crime of piracy. Priority must be given to the training of judges, lawyers and other related professionals. They must be provided the necessary time to develop capacity to effectively conduct investigations and trials in accordance with national and international needs.

With regard to the proposal to establish an extraterritorial Somali specialized anti-piracy court, it has been underscored that the Transitional Federal Government and regional authorities consulted are opposed to the establishment of such a court, owing to their concern about the potential diversion of funds and resources needed for capacity-building resources. My delegation believes that any decision on the establishment of a specialized court should have the support of the Transitional Federal Government. In addition, efforts should be made to ensure that professionals trained in Somalia are not encouraged to migrate. In any case, consideration should be given to the cost-benefit ratio of a specialized anti-piracy court and its implications for the security of the host State and community.

The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia needs to have a guaranteed resource flow, including for the building and renovation of prisons that meet international standards in Somaliland and Puntland and for the resumed operations of regional courts.

Bearing in mind the timelines and the difficulties, as detailed by the Secretary-General, in effectively implementing resolution 1976 (2011), it is essential to stress the importance of using, in an effective and timely manner, the regime established in resolutions 751 (1992) and 1907 (2009) to impose sanctions on the relatively smaller number of individuals identified and located by the Monitoring Committee of Committee established pursuant to resolution 751 (1992) as leaders of private militias and piracy networks. That could be a strategic and effective way of supplementing the prosecution efforts under way.

**Mr. Barbalčić** (Bosnia and Herzegovina): Allow me to express our gratitude to Ms. Patricia O'Brien for presenting the report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360), which we consider a good basis for creating instruments to counter piracy activities off the coast of Somalia.

Bosnia and Herzegovina remains deeply concerned over piracy off the coast of Somalia. It poses a threat to international peace and security as well as to international navigation and the safety of commercial maritime routes. The capacity-building measures for Somali State institutions, in addition to reinforcing sovereignty, should have a significant positive impact on the fight against piracy.

The international community and Somalia should continue to work in a coordinated manner in order to strengthen the Somali security sector. We welcome the ongoing activities of the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Political Office for Somalia in that regard. We also encourage the international donor community to provide the necessary assistance for counter-piracy efforts.

Bosnia and Herzegovina welcomes the Secretary-General's comprehensive report on the modalities for establishing specialized Somali anti-piracy courts, either in Somalia or on the territory of another State in the region. The basic parameters for introducing such specialized courts, or new sections within existing courts, should be strengthening the rule of law in Somalia and creating a long-term solution for counter-piracy activities.

We note with interest the imprisonment of convicted pirates and the trials that have been conducted by Somali courts, particularly in Puntland and Somaliland, as well as by other States in the region. Prosecuting financiers, facilitators, leaders and planners of piracy is crucial to addressing this issue.

Establishing specialized anti-piracy courts, either in Somalia or on the territory of another State in the region, would require that the Transitional Federal Institutions adopt the necessary constitutional and legislative bases, including considering the compatibility of both options with the relevant provisions of the 1960 Constitution of the Somali

Republic and the 2004 Transitional Federal Charter for the Somali Republic.

We are concerned about the fact that the criminal and procedural codes across Somalia are critically out of date, containing numerous inconsistencies and deficiencies. We therefore encourage UNDP and UNODC to continue their assistance in the preparation of necessary legislation for processing pirates, but we have to bear in mind that such a process is possible only with national ownership. To that end, we encourage the Transitional Federal Institutions to speed up the process of drafting and adopting a constitution.

Whichever option for establishing specialized anti-piracy courts is found most suitable, we have to consider the shortage of adequate courtrooms, correction facilities and other necessary infrastructure, both in Somalia and on the territory of other States in the region. In both cases, the specialized anti-piracy courts or new sections within existing courts would be part of the Somali judicial system. Due to the limited number of qualified legal professionals in Somalia, the training of judges, prosecutors, defence lawyers and other professionals should be maintained and, if possible, accelerated. We welcome the activities of UNDP and UNODC in that regard.

Modalities of international expertise and participation in the work of the anti-piracy courts, or new sections within existing courts, should be arranged in close consultation with the Somali authorities. We welcome the recommendation of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia that international expertise be drawn from the Somali diaspora. We take note of the statement of the Somali authorities, as well as those of other regional States, particularly Tanzania, regarding possible establishment of an extra-territorial Somali court.

We also commend the efforts of Operation Atalanta of the European Union Naval Force Somalia, the North Atlantic Treaty Organization, the Coalition Maritime Forces and States acting in their national capacities in cooperation with the Transitional Federal Government, other States in the region and one another to suppress piracy and protect vessels transiting through the waters off the coast of Somalia. We also commend the African Union and the troops of the African Union Mission in Somalia for their important role and hard work in stabilizing the situation in

Somalia. Finally, we welcome the efforts and hard work of the Contact Group for Piracy off the Coast of Somalia, with its four supporting working groups, as an effective international cooperation mechanism in combating piracy.

**The President** (*spoke in French*): I will now make a statement in my capacity as representative of Gabon.

I would like to thank Under-Secretary-General Patricia O'Brien for her briefing and to express our appreciation of the Secretary-General's report (S/2011/360) on the modalities for the implementation of resolution 1976 (2011). We again acknowledge the efforts of Mr. Jack Lang, the Secretary-General's Special Adviser on piracy.

Piracy is a critical aspect of the overall problem of Somalia, in view of the large number of acts of piracy and their increasing violence.

We would like to speak to two points. We stress the importance of strengthening the judiciary and prison capacity in Somalia, especially in Puntland and Somaliland. In this regard, we are pleased with the progress made in training justice auxiliaries and police officers and officials, as well as the rehabilitation and construction under way of courts and prisons. We welcome the efforts of the United Nations Office on Drugs and Crime, as well as the support provided by the United Nations Development Programme and the efforts of the African Union Mission in Somalia in the fight against piracy on the ground.

Despite this progress, and while waiting for agreement on the ideal formula, the Somali authorities should continue to work on reviewing domestic law in order to enable their courts to prosecute and sentence those responsible for acts of piracy. It is important that current Somali legislation be brought closer to international standards for the fight against piracy. We call on the authorities to take part in that process. Close legal cooperation and information-sharing between the States in the region should be strengthened.

As the Secretary-General's report emphasizes, the Somali diaspora can contribute to the establishment of the processes and mechanisms to be set up. The international community must continue to support judicial and prison capacity-building in Somalia. Regarding setting up a specialized extraterritorial court, we note the difficulties involved in creating such

a jurisdiction, as stated in the Secretary-General's report.

We share the view of Russia that the rejection expressed by the authorities of Puntland and Somaliland, as well as of the Transitional Federal Government, of such an institution is not a constructive position in the face of a problem whose proportions exceed the country's current response capacity. Gabon welcomes the availability and willingness of Tanzania to host the Somali extraterritorial court. We call on all stakeholders to continue discussions and consultations so as to reach a consensus on this question.

I now resume my functions as President of the Council.

I give the floor to the representative of Somalia.

**Mr. Mohamed** (Somalia): First of all, Mr. President, let me thank you and your able team for your work in the presidency of the Security Council for the month of June.

I am not here to make a statement but rather to deliver a brief message on behalf of the highest level of the Somali Government.

Somalia attaches great importance to the issue of piracy. We welcome the Secretary-General's report (S/2011/360), and we greatly appreciate the comprehensive briefing by Patricia O'Brien and the work she and her team perform. But due to recent political developments on Somalia, culminating in a peace agreement brokered by the President of Uganda and the Special Representative of the Secretary-General, Mr. Mahiga, and ultimately the resignation of the Prime Minister of Somalia last week, Somalia unfortunately does not have the time or energy to digest the report.

Still, at the same time, we want to reiterate to the Council the utmost importance we attach to piracy. As soon as we form a new government — and the President of Somalia is going to appoint a new Prime Minister and council of ministers very soon, possibly as early as this week or next week — as soon as we complete the process of forming a new government of Somalia, we will provide our input and advice to the Council regarding the report. We look forward to working with the Council and Patricia O'Brien on the way forward on this issue, but in the meantime I reiterate the great importance Somalia attaches to the issue of piracy.

**The President** (*spoke in French*): I thank the representative of Somalia for his statement.

I now give the floor to Ms. O'Brien, to respond to comments and statements made by Member States.

**Ms. O'Brien**: I would like very briefly to acknowledge the great interest demonstrated by Member States in the debate and the close attention with which the Secretary-General's report (S/2011/360) has been analysed.

I would like to take this opportunity to reiterate once again the Secretary-General's deep commitment to this issue and his concern about continuing concerns that we have relating to piracy. My Office and other relevant United Nations offices will continue to contribute proactively to finding solutions to the complex problems of piracy off the coast of Somalia, and I of course stand ready to assist the Security Council in any way I can as it takes forward its deliberations on the basis of the Secretary-General's report.

**The President** (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at noon.*



# Security Council

Sixty-sixth year

Provisional

## 6561<sup>st</sup> meeting

Tuesday, 21 June 2011, 12 p.m.  
New York

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|-------------------|------------------------------------------------------------|-------------------|
| <i>President:</i> | Mr. Messone .....                                          | (Gabon)           |
| <i>Members:</i>   | Bosnia and Herzegovina .....                               | Mr. Vukašinić     |
|                   | Brazil .....                                               | Mr. Gorgulho      |
|                   | China .....                                                | Mr. Yang Tao      |
|                   | Colombia .....                                             | Mr. Alzate        |
|                   | France .....                                               | Mr. Bonne         |
|                   | Germany .....                                              | Mr. Berger        |
|                   | India .....                                                | Mr. Vinay Kumar   |
|                   | Lebanon .....                                              | Mr. Assaf         |
|                   | Nigeria .....                                              | Mrs. Ogwu         |
|                   | Portugal .....                                             | Mr. Moraes Cabral |
|                   | Russian Federation .....                                   | Mr. Pankin        |
|                   | South Africa .....                                         | Mr. Mashabane     |
|                   | United Kingdom of Great Britain and Northern Ireland ..... | Mr. Quarrey       |
|                   | United States of America .....                             | Mr. Dunn          |

## Agenda

Peace and security in Africa

Briefing by the United Nations Office to the African Union (UNOAU)

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This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.



*The meeting was called to order at 12 p.m.*

#### **Adoption of the agenda**

*The agenda was adopted.*

#### **Peace and security in Africa**

##### **Briefing by the United Nations Office to the African Union (UNOAU)**

**The President** (*spoke in French*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Zachary Muburi-Muita, Head of the United Nations Office to the African Union, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Muburi-Muita.

**Mr. Muburi-Muita:** It is a great pleasure for me to appear before the Security Council today to make my maiden presentation on the work of the newly established United Nations Office to the African Union (UNOAU). While I have spent several years working with the United Nations as a Permanent Representative, this is my first briefing to the Council as Special Representative of the Secretary-General, a role I assumed some nine months ago.

As the Council is well aware, the establishment of the Office is part of our collective efforts, over a number of years, to, inter alia, enhance the United Nations-African Union strategic partnership on peace and security issues, provide coordinated and coherent United Nations support to the African Union (AU) on both short-term operational and planning matters and long-term capacity-building, and make the United Nations representation to the African Union on these matters more coherent, cost-effective and efficient. I am pleased to report today that I think we are making progress on all three fronts.

Let me begin by briefly updating the Council on our activities designed to operationalize the Office and streamline the United Nations presence. I am very happy to say that, with the active engagement of the Department of Field Support, we are nearing completion of our transition from three former separate offices — the United Nations Liaison Office to the African Union, the African Union Peace Support Team and the United Nations planning team for Somalia —

and the administrative function of the Joint Support and Coordination Mechanism of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) — reporting separately to three different departments at Headquarters and supported remotely by UNAMID in Darfur — to a new lean, self-sufficient operation based in Addis Ababa. Also, by 31 July, we will have recruited 61 staff members out of a total of 63 positions.

In support areas where we could see efficiency gains, and to fill gaps in our own support structure, we have signed an memorandum of understanding with the United Nations Economic Commission for Africa (ECA) in Addis Ababa, allowing us to tap into their existing common services and provide UNOAU with adequate office space in the new premises being constructed at the ECA compound. We expect to be collocated there in the first quarter of 2013. As with any new office, we have been busy with these administrative issues — logistic, personnel and support — while at the same time undertaking action to deliver on the main mandate of UNOAU.

The consolidation of the Office and the elevation of the Head of Office to a Special Representative of the Secretary-General at the level of Assistant Secretary-General have certainly raised the United Nations profile at the AU. To help inform United Nations decision-making, we are producing real-time reporting and political analysis on peace and security issues based on daily consultations with senior AU officials on political developments in Africa.

Upon my arrival, our Office immediately organized a substantive retreat with our African Union Commission counterparts, which resulted in a fruitful exchange of views on how best to work together, especially on the implementation of the UNOAU mandate. We have intensified consultations with the AU at the strategic level to respond to common challenges on long-standing peace efforts in Africa — for example, on Côte d'Ivoire, the Sudan, the Democratic Republic of the Congo and Somalia — and on recent developments in Tunisia, Egypt and Libya.

At the strategic level, we are focused on enhancing coordination, strengthening common understanding and maximizing comparative advantages on United Nations-African Union joint peace efforts in Africa. Our experience with the cooperation between the two organizations shows that we do better in

addressing crises in the continent when we stand together and speak in one voice.

Nobody knows better than the Security Council that the mediation of conflicts is a challenging business, particularly when we are faced with a multiplicity of actors, initiatives and organizations all playing varying roles. That is why one of UNOAU's roles is to strengthen our coordination with AU institutions and enhance their capacity to deliver peace in Africa. My regular participation at meetings of the African Union Peace and Security Council on country specific situations, such as Côte d'Ivoire, Somalia and the Sudan, and on the most recent developments in North Africa, have proved to be instrumental in coordinating action. In addition, building upon the gains from two United Nations-Africa Union workshops on collective peace efforts in Somalia, Guinea-Bissau and Kenya, the United Nations Secretariat and the Africa Union Commission have agreed on United Nations-Africa Union mediation partnership guidelines. The guidelines will be endorsed and launched by the third meeting of the United Nations-African Union Joint Task Force on Peace and Security, to be held in New York in September on the margins of the sixty-sixth session of the General Assembly.

To help address these and other challenges, we have also embarked on revitalizing the peace and security cluster as part of the regional coordination mechanism framework. We are also working to improve the activities of its three sub-clusters, namely, on the Peace and Security Architecture of the African Union; post-conflict reconstruction and development; and human rights, justice and reconciliation. As Chair of the cluster, I have launched a committee to work with the secretariat of the Regional Coordination Mechanism on an overall strategic plan into which our cluster activities will be integrated as part of efforts to implement the Ten-Year Capacity-Building Programme for the African Union.

As we recruit more staff for UNOAU, we are enhancing the effectiveness of our capacity-building support to the African Union, helping it to design and implement new strategies to develop its institutional capacity for peacekeeping management, especially the African Union Peace Support Operations Division's structural needs, in the context of an ongoing and long-term overall restructuring of the AU.

At the working level, while there are many imperatives for short-term support, which must be responded to cooperatively, we have made it a priority that all UNOAU planners make tangible achievements in helping the AU to assess its capacity needs in their areas of expertise; in designing appropriate strategies aligned with AU priorities and adapted to a realistic assessment of absorptive capacity to fill those needs; and in implementing those strategies.

Far too often, capacity-building efforts get bogged down in helping counterparts meet urgent day-to-day needs, and achieve little in terms of strengthened capacity. We want to avoid such a pattern so that we can achieve our common goal of helping the African Union Commission to be fully capable of planning and executing its own peace support missions. Realistically, however, we must accept that institutional capacity-development is a long-term goal.

As members of the Security Council know, UNOAU is not alone in supporting the AU's institutional development. That is why coordination is an important part of our mandate. The Ten-Year Capacity-Building Programme brings together the entire United Nations family to support that objective. In February, the Secretary-General submitted a report to the Council and to the General Assembly that recommended, among other things, more clearly defined work programmes for the Ten-Year Capacity-Building Programme and its clusters, aligned with the programming and planning cycles of the AU Commission. We are working with the Commission and partners to that effect.

Coordination with partners outside the United Nations is also essential. In addition to the established African Union Partners' Group, which meets regularly at different levels, we have agreed to establish coordination among experts of the Group supporting the African Union in their respective areas of specialty. In most cases, UNOAU will play a leading role in such multi-partner coordination. We are also engaging organizations that can bring other resources to the table. For example, the World Bank has expressed keen interest in partnering with us on support to the AU in the area of disarmament, demobilization and reintegration.

We have also made gains in our support and advisory roles with regard to AU planning; let me mention a few. As part of the African Peace and

Security Architecture, an AU continental-level peace support operation exercise code named AMANI AFRICA was conducted with UNOAU support, in close coordination with the European Union and NATO, to assess the operational readiness of the African Standby Force (ASF). This brought to a close the ASF Road Map II. UNOAU is currently assisting with the development of the African Standby Force Road Map III, which should culminate in the operationalization of the Force by 2015.

As part of its ongoing support to the African Union Mission in Somalia (AMISOM), UNOAU assisted the African Union Commission in generating the troops for AMISOM to meet its original mandated strength of 8,100 and in conducting a number of predeployment visits to ensure the smooth insertion of the troops. We are now assisting the AU in achieving the newly approved strength of 12,000 troops. UNOAU also helped to review, update and develop most of the strategic and operational documents for AMISOM, in keeping with United Nations standards. The Office has also assisted in recruiting AMISOM civilian staff. We have been helping to strengthen the AU Peace Support Operations Division. AMISOM public information offices have helped to update the AMISOM communications strategy and its strategy on the protection of civilians. It has also translated and published the AMISOM rules of engagement and code of conduct in a pocket-sized format.

We have facilitated more than a dozen training activities and workshops for AU regional economic communities on peacekeeping, planning, logistics and other operational and administrative issues, helping to ensure that they are in line with AU Commission training policy guidelines, which themselves, under our guidance, are largely based upon United Nations standards.

Just this past weekend, another in a regular series of desk-to-desk consultations was held between staff of the Secretariat, the AU Commission, UNOAU, the African regional economic communities and members of peace and security cluster. Some 40 participants held a thorough discussion and exchanged analysis on current issues such as Somalia, the Sudan and Côte d'Ivoire. We also maintain constant contact with the AU Commission on cross-cutting issues such as elections, conflict prevention and mediation.

In developing these joint efforts and consultations, I hold regular meetings with the African Union Commission Chairman, Mr. Jean Ping, and the various commissioners, particularly the Commissioner for Peace and Security, Mr. Ramtane Lamamra. In that context, I have been frequently invited to attend meetings of the AU's Peace and Security Council on pressing issues facing the African continent, including efforts to resolve the crises I have just mentioned. I have also represented the Secretary-General at high-level meetings in Africa.

In conclusion, let me say a few words about the overall strategic relationship, the improvement of which, as I said earlier, is one of the priorities of my Office's mandate.

As members saw for themselves during the Council's visit to Addis Ababa last month, we have achieved a lot in our partnership with the AU. But the full potential of the cooperation between the two organizations is still to be achieved in a number of areas. Helping the AU to strengthen its capacities so that it can play an ever more effective role in addressing peace and security issues in Africa is an objective that we all share, and it is the basic reason UNOAU was created. I firmly believe that the various activities of my Office will greatly strengthen the foundation for this relationship by helping the Secretariat to improve its effectiveness so that better strategic planning, better analysis and better coordination with other partners can inform political decision-making and pave the way for more effective political coordination between the two organizations.

In conclusion, I would like to thank the Council for its support in the establishment of UNOAU, and to assure it of my utmost commitment to achieving its objectives.

**The President** (*spoke in French*): I thank Special Representative of the Secretary-General Muburi-Muita for his briefing.

I shall now give the floor to members of the Council.

**Mr. Mashabane** (South Africa): My delegation welcomes Ambassador Muburi-Muita to the Security Council. We thank him for his briefing on the work of the United Nations Office to the African Union. As this is the first time that he briefs the Council in his capacity as Head of the United Nations Office to the

African Union (UNOAU), we wish to take this opportunity to congratulate him on his maiden briefing as Special Representative of the Secretary-General.

South Africa views the integrated and enhanced presence of the United Nations at the African Union (AU) as a further manifestation and testament to the increased partnership between the two organizations in the areas of conflict resolution, peacekeeping and peacebuilding, in line with Chapter VIII of the Charter of the United Nations. In that regard, the presence of UNOAU should, in accordance with its mandate, contribute significantly to the effective implementation of the Ten-Year Capacity Building Programme. In addition, the presence of the United Nations Office must further enhance the capacity of the AU in its support and management of peace operations, including the Peace and Security Architecture.

We call on the Office of the Special Representative of the Secretary-General to bolster support for concerted efforts to fully operationalize the African Peace and Security Architecture, including the development of a continental early-warning system, the African Standby Force and an enhanced mediation capacity, including through the Panel of the Wise.

It is important that the United Nations be represented at an appropriate level, taking into account the increasing level of integration of the African Union. This is also important in view of the mandate of UNOAU in enhancing the strategic and operational partnership between the two institutions and the subregions.

We welcome the notable efforts under way to forge closer cooperation between the United Nations and the African Union, specifically in accordance with Chapter VIII of the Charter of the United Nations. The United Nations retains the primary role in the maintenance of international peace and security, and therefore there is an expectation that it must contribute to the role of regional and subregional organizations, which has in recent years been shown to be seminal, especially in the context of the African Union. We are convinced that the interests of peace will be well served if the requisite synergy and cooperation exist between the two organizations at both the strategic and operational levels.

Moving from this common understanding, we look forward to a vision that clearly defines this strategic partnership, a vision that articulates the

expectations of the role of regional organizations in the maintenance of international peace and security.

The African Union's proximity to conflicts on the continent as well as its legitimacy and credibility makes it an important ally in our collective efforts to advance peace and security in Africa. We recognize that a strategic relationship cannot take into account peacekeeping issues only. A strategic relationship will include cooperation on a range of considerations that may include conflict prevention, preventive diplomacy and political mediation. In that regard, we look forward to receiving the report of the Secretary-General on his strategic vision of the partnership between the African Union and the United Nations.

At the institutional and operational level, my delegation strongly supports the view that the reports of the Secretariat to the Security Council should incorporate the decisions and the views of the African Union and the Peace and Security Council of the African Union in particular. That would be in line with the practice of the African Union Commission, which incorporates the views of the United Nations Security Council in their reports to the AU Peace and Security Council. This, in our view, would be a further contribution to enhancing synergy and possible collaboration between the two Councils.

My delegation welcomes the establishment, on 25 September 2010, of the United Nations-AU Joint Task Force on Peace and Security, which will further enhance cooperation at the operational level.

Africa's commitment to the establishment of peace and security on the continent is further evidenced by its increasing role in peacekeeping operations. In that regard, the African Union Mission in Somalia and the African Union-United Nations Hybrid Operation in Darfur are further indications of the commitment and political will of the African Union to bring peace to conflict-affected areas.

The African Union's efforts are severely hampered by the lack of sustainable, predictable and flexible financing for AU-supported peacekeeping operations. It remains important that the United Nations, at an institutional level, continue its consideration of this important matter, pursuant to resolution 1809 (2008). The Secretary-General, in reference to this important issue, stated that the current financial framework for partnership in peacekeeping operations was not conducive to building a sustainable

long-term strategy. In that connection, we reiterate the call by the African Union for this issue to receive the continued support of the United Nations.

In conclusion, we view the United Nations Office to the African Union as strategically placed, first in assisting both the African Union and the United Nations in advancing these broad issues I have outlined, and, secondly, in ensuring that the complementarity and the comparative advantage of the African Union is maximized and adequately resourced.

My delegation wishes the Special Representative of the Secretary-General every success in his current endeavours and looks forward to a subsequent update on the progress made by the United Nations Office to the African Union in facilitating a strategic and cooperative relationship.

**Mrs. Ogwu (Nigeria):** I wish at the outset to thank you, Mr. President, for having convened this meeting. I am pleased to welcome Special Representative of the Secretary-General Muburi-Muita to the Council and to thank him for his very lucid briefing, and particularly to express my appreciation for the passion with which he has approached his new responsibilities.

Nigeria welcomes the growing partnership between the United Nations and the African Union. Since the signing of the joint Declaration on the enhancement of United Nations-African Union (AU) cooperation — the Ten-Year Capacity-Building Programme — several milestones have been achieved in cementing this cooperative relationship. Notable among these are the operationalization of the AU Peacekeeping Support Team within the Department of Peacekeeping Operations, training by the Department of Political Affairs for the Secretariat of the AU Peace and Security Council, and an information exchange between the two bodies, facilitated in part by the Security Council's Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.

The impact of such policy-level cooperation is evident in the giant African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Tripartite Mechanism on Darfur has been a useful conduit for strategic planning and information exchange and in easing administrative difficulties in the Operation.

In spite of the concerns raised by the AU Peace and Security Council in a communiqué dated 8 April

2011 that proposed a start date for a fresh Darfur political process, there are numerous lessons to be derived from the UNAMID model. We are pleased to note that the relationship remains strong, as is evident from the communiqué of last month's consultative meeting between the members of the AU Peace and Security Council and the United Nations Security Council. As envisaged by Article 52 of the Charter of the United Nations, regional bodies such as the AU have traditionally played a supportive role in relation to the United Nations in the maintenance of international peace and security. This approach is a pragmatic recognition of the asymmetric capabilities of the two organizations. Whereas the African Union has the political will, it is insufficiently resourced to undertake long-term peacekeeping and transition operations.

On the other hand, the centralization of resources and expertise within the United Nations system affords it enhanced peacekeeping and peacebuilding capabilities. All too frequently, AU member States will muster sufficient troop numbers to address crisis situations, only to be undermined by a lack of equipment and logistical support.

In that regard, we stress that the capacity development of peacekeeping personnel, though essential, is not a substitute for adequate equipment, logistics and training. We are therefore encouraged by the range of initiatives under consideration, particularly the prospect of giving the African Union access to United Nations logistics base capacities and United Nations strategic deployment stocks. Also encouraging is the prospect of a surge capacity team of experts being made available to the African Union at the initiation of a peace support operation.

In the context of the African Union Mission in Somalia (AMISOM), different challenges abound. On 31 January 2011, the AU called on the Council to provide greater support to AMISOM and to fully assume its responsibility towards Somalia and its people, including through increased funding from United Nations assessed contributions. Such direct calls for support are not new. While those appeals have been met in some measure, not all requests have so far been granted.

The current challenges facing AMISOM vividly illustrate the need for more predictable funding for AU-led operations as well as the need for the United

Nations to assume primary responsibility for AU-led operations initiated as bridging measures. This should not be misunderstood as the African Union's unwillingness to manage its own operations. Rather, it is an acknowledgment that today's armed conflicts require complex, nuanced and often high-technology responses that demand a particular level of infrastructure that the AU simply cannot afford. The need for support does not amount to dependency. Instead, it must be viewed as a vital partnership in the global quest for maintaining international peace and security.

Cooperation in the area of deployment, including the deployment of expert civilian personnel, is central to this partnership. Our joint vision must be the enhancement of capacity-building for the African Union in peacekeeping operations and ensuring cost-effectiveness. The opening of the United Nations Office to the African Union (UNOAU) is a step in the right direction. We hope that it leads to a more systematic and less reactive approach to joint peacekeeping between the African Union and the United Nations.

We are particularly pleased to note, in the report of the Secretary-General on the budget for UNOAU contained in document A/64/762, the stated objective of facilitating an operational African peace and security architecture with an effective capacity to address threats to regional peace and security. We believe that there is real scope for effective cooperation through the preventive diplomacy pillars of the AU's Peace and Security Architecture. With the right level of support at the international level, the AU has a chance of developing best-practice models for early-warning mechanisms and for mediation that could be effectively applied globally.

Partnership is the cornerstone of Africa's effort to stabilize its vast region and to shoulder its share of the global responsibility to maintain peace and security.

**Mr. Yang Tao (China)** (*spoke in Chinese*): Let me begin by thanking Mr. Zachary Muburi-Muita, Special Representative of the Secretary-General to the African Union, for his briefing. I appreciate his hard work in promoting cooperation between the United Nations and the African Union. I wish to take this opportunity to make four comments.

The first pertains to strengthening the United Nations Office to the African Union (UNOAU). The

Office, after integrating the components of the relevant United Nations agencies, has saved resources, increased efficiency and promoted cooperation between the African Union (AU) and the United Nations. We hope that UNOAU will continue to strengthen capacity-building and provide better guidance and coordination to the other United Nations offices in African countries, as well as to regional organizations.

My second comment concerns defending the United Nations-African Union strategic partnership. We hope that the Security Council and the AU Peace and Security Council will stay in close touch through the current dialogue mechanism. We also hope that the United Nations-African Union Joint Task Force on Peace and Security will play a more positive role in promoting the strategic partnership. We call on the Secretary-General, at the request of the Council, to submit a report at an early date so as to provide his thoughts on how to further advance the strategic partnership between the two organizations.

Thirdly, we call for respect and support for the African Union's mediation efforts on some hotspot issues. The AU has an in-depth understanding of the issues in Africa and has achieved positive results in promoting the settlement of such issues as Somalia and the Sudan. It is also working hard on a political settlement for Libya. While considering issues relating to peace and security in Africa, the Council should give priority to the opinions and advice of the AU and facilitate its mediation efforts.

The fourth concern has to do with strengthening support to the African Union's peacekeeping operations. The United Nations should assist the AU to secure financial support for such operations. At present, AMISOM is facing a severe shortage of financial resources. We call on the United Nations to help the AU to establish a predictable and sustainable financing mechanism. In addition, we hope that the United Nations will strictly implement the Ten-Year Capacity-Building Programme for the AU so as to further support it in building capacity for its peacekeeping operations.

**Mr. Bonne (France)** (*spoke in French*): I too wish to thank Ambassador Muburi-Muita for his presentation.

As other speakers before me have said, the African Union is one of the regional bodies that has

most developed its dialogue and cooperation with the United Nations. The relationship is solid, especially between the Security Council and the Peace and Security Council of the African Union, as was again recently demonstrated by the meeting between our two Councils at Addis Ababa on 21 May. It is also a rich relationship, particularly between the Secretariat of our Organization and the Commission of the African Union, which is a good thing, because our partnership is justified on several fronts, especially when it comes to ways of working together to improve our peacekeeping and peacebuilding operations on the continent.

The African Union supports the United Nations on the ground and with regard to knowledge of the regional environment. This shows that the continent is fully involved in its own security. For its part, the United Nations provides the African Union with competencies and resources and shares experiences that are useful in supporting the African Union in its missions to prevent and manage crises on the continent.

Today, our efforts should ensure that this original partnership continues and improves in the spirit of Chapter VIII of the Charter of the United Nations. In that connection, we believe that the establishment of the United Nations Office to the African Union in Addis Ababa is a good thing. We believe that the Office should contribute to strengthening the partnership between our two organizations by integrating greater United Nations activities and strengthening our forecasting, planning and coordination abilities on the ground.

I wish to congratulate Mr. Zachary Muburi-Muita for his work and, again, for the briefing he has given us. Thanks to this work, there is a greater visibility for the United Nations in Addis Ababa as well as greater visibility of the institutional cooperation between our two organizations, which is important. I wish to reiterate our support for Mr. Muburi-Muita and to express our interest in his first report on the Office's activities when it becomes available.

**Mr. Fernandes (Brazil):** I would like to thank Special Representative of the Secretary-General Zachary Muburi-Muita. We commend the achievements in the field in connection with United Nations operational support for the African Union (AU), as well as the efforts made to improve the efficiency of the United

Nations representation. I will focus my comments today on issues relating to the partnership on peace and security.

The African Union, through its Peace and Security Architecture, is making a unique contribution to resolving conflict on the continent and establishing the basis for lasting peace. The Council's recent trip to Africa provided an opportunity to witness first-hand the urgency of sustaining and increasing United Nations support to the AU's work in the area of peace and security. Brazil believes that ensuring such support is a key part of the Organization's responsibility for the maintenance of international peace and security.

The creation of the United Nations Office to the African Union was an important and positive step. We hope that it will indeed enhance the ability of the United Nations to take a strategic approach to cooperation with the AU, thereby improving its support for AU peacekeeping, particularly through overarching initiatives such as the United Nations-African Union strategic partnership and the Ten-Year Capacity-Building Plan.

It would be equally advisable to intensify the involvement of the African Union in the ongoing policy work of the United Nations in the area of peacekeeping. A number of the studies, policies and lessons learned produced by the Department of Peacekeeping Operations and the Department of Field Support could prove useful to AU peacekeeping and vice versa. Given the AU's experience with peacekeeping and conflict resolution, it has a valuable contribution to make to the development of policy and guidance.

As we strive to improve the Organization's support for AU peacekeeping, we cannot overlook other relevant areas of cooperation, such as conflict prevention, mediation and post-conflict peacebuilding.

The African Union Mission in Somalia (AMISOM) is the main concrete instance of cooperation between the two organizations, along with the African Union-United Nations Hybrid Operation in Darfur. It is clear that AMISOM requires greater material and financial assistance from the United Nations. Brazil favours a serious and action-oriented discussion within the United Nations on financial support to African Union peacekeeping missions beyond the specific case of AMISOM. We must not allow bureaucratic or technical considerations to stop

us from giving the African Union the help it needs to do its part in maintaining peace and security on the continent.

In closing, we would like to stress that cooperation between the AU and the United Nations in the area of peace and security has a vital and inescapable political component. Cooperation between the Secretariat and the Commission must be predicated on a substantive and mutually respectful dialogue between the Security Council and the AU Peace and Security Council. Only at that level can we ensure the common strategic vision and political impetus needed in order for the partnership to fulfil its potential.

**Mr. Vukašinović** (Bosnia and Herzegovina): I would like to thank the Special Representative of the Secretary-General and Head of the United Nations Office to the African Union (UNOAU), Mr. Zachary Muburi-Muita, for his informative briefing. I also congratulate him on his appointment to that very important and demanding post.

Bosnia and Herzegovina welcomes the early activities of the Office. We are convinced that it will contribute significantly, in close cooperation with subregional actors, to the promotion of peace and stability in Africa. The mandate of the UNOAU includes enhancing the partnership between the United Nations and the African Union (AU) in the areas of peace and security as well as providing support to better engage the AU in these areas. The importance of providing coordinated and consistent United Nations support to the African Union, in terms of long-term institutional capacity-building and short-term operational support, cannot be overemphasized.

The UNOAU integrated three offices: the United Nations Liaison Office to the African Union, the African Union Peacekeeping Support Team and the United Nations Planning Team for the African Union Mission in Somalia, as well as support elements of the African Union-United Nations Hybrid Operation in Darfur Joint Support Coordination Mechanism. This integration will strengthen cooperation and the strategic partnership between the United Nations and the African Union, which is of key importance for security, stability and durable peace on the African continent. My delegation believes that this concrete step will also improve cooperation between the United Nations Secretariat and the African Union Commission and contribute to minimizing duplication of effort.

Besides the operationalization of the African Peace and Security Architecture, the Office will play a leading role in the implementation of the Ten-Year Capacity-Building Programme for the African Union. As noted in the relevant report of the Secretary-General (S/2011/54), the lack of a well-defined programme of work related to the Ten-Year Capacity-Building Programme and of resources has negatively affected implementation efforts.

UNOAU should continue to work with African Union institutions to implement the Programme within the framework of the Regional Coordination Mechanism. The success of this endeavour will depend on the leadership and ownership of the African Union Commission and the effective provision by the United Nations of regional support in line with the Commission's priorities. To that end, building AU management capacity is essential as part of the transition to a more predictable funding process.

Much has been achieved in the context of the relationship between the two organizations, on the basis of Chapter VIII of the Charter of the United Nations. There are a number of noteworthy recent positive examples of cooperation between the United Nations and the African Union, such as the activities of the African Union High-level Implementation Panel aimed at the resolution of the crisis in Côte d'Ivoire and the role of the Economic Community of West African States in resolving the Ivorian post-election conflict.

It is therefore critical to develop a broader strategic framework for partnership between the African Union and the United Nations. Meetings of the United Nations-African Union Joint Task Force on Peace and Security in New York and Addis Ababa should contribute to a better focus on strategic and specific issues relating to the African continent that are relevant and of interest to both organizations. The United Nations-African Union partnership must be built on a shared vision and advantages.

Finally, we emphasize that cooperation between the United Nations and the African Union has become increasingly important in addressing various challenges and issues of concern in the areas of peace and security. Bosnia and Herzegovina supports all United Nations efforts and welcomes the efforts of regional and subregional organizations and donors in mobilizing resources that can contribute to strengthening the

African Union and its structure so as to better deal with conflicts and to help maintain peace and security in Africa.

**Mr. Berger** (Germany): I, too, would like to thank Mr. Muburi-Muita, Special Representative of the Secretary-General, for his comprehensive briefing.

Strengthening the partnership between the United Nations and the African Union (AU) for the maintenance of peace and security in Africa is in our mutual interest. Much has been achieved, including through consultations, on issues of mutual concern to the Security Council and the African Union Peace and Security Council. The establishment of the United Nations Office to the African Union (UNOAU) is another concrete step in strengthening the capacity of the AU and in enhancing the institutional cooperation between both organizations. We welcome the update provided by the Special Representative of the Secretary-General and look forward to the Office becoming fully operational soon, and also look forward to the Special Representative's first report.

The strong partnership between the United Nations and the African Union for peace and security on the African continent manifests itself, as has been mentioned by many colleagues, in various forms — in the field of peacekeeping, most visibly in the form of the African Union-United Nations Hybrid Operation in Darfur. United Nations support is also provided to the United Nations-mandated African Union Mission in Somalia. The Joint African Union-United Nations Chief Mediator for Darfur and the close cooperation between the United Nations Mission in the Sudan and the African Union High-level Implementation Panel, under the chairmanship of President Mbeki, also show the relevance of close cooperation in conflict mediation, such as is currently the case in the Abyei region of the Sudan.

Other issues relevant to peace and security in Africa have become increasingly pertinent for inter-organizational cooperation, such as transnational organized crime, the HIV/AIDS pandemic and climate change. All of these examples underline the importance of capacity-building for the African Union and regional organizations, with a view to enhancing their ability to manage conflict and to counter security threats, including through the maintenance of constitutional order and the promotion of human rights, democracy and the rule of law.

Effective United Nations-African Union cooperation on peace and security also greatly benefits from the efforts of other actors, such as the European Union (EU) and individual Member States, in further strengthening the African Peace and Security Architecture. The European Union, with the joint Africa-EU Partnership on Peace and Security and through its African Peace Facility, provides substantial financial and logistical support, as well as capacity-building, to the AU at the continental, regional and mission levels. Those efforts are complemented by bilateral support. Germany, for instance, is currently constructing the peace and security building for the African Union Commission in Addis Ababa. We also finance the German-African Border Project as part of our joint combined efforts. We also support the training and equipping of African police officers for the African Standby Force and for deployment to United Nations peacekeeping operations.

As also mentioned by the Special Representative, enhancing coordination and expanding synergies among the various efforts of the United Nations, EU and bilateral donors is important in order to maximize their impact and avoid duplication.

Let me conclude by stressing that Germany remains committed to strengthening the African Peace and Security Architecture.

**Mr. Dunn** (United States of America): I thank Mr. Zachary Muburi-Muita for his briefing this morning.

The United States recognizes the importance of and the challenges involved in forging effective partnerships to carry out peace and security missions in Africa. We thank both the United Nations and the African Union (AU) for their efforts to save lives, protect civilians, mediate conflicts and bring peace to the continent.

Building the capacity of the African Union is critical to ensuring effective joint efforts with the United Nations in Africa. The United States fully supports the Ten-Year Capacity-Building Programme, which details the steps that both organizations need to take in order to build such capacity. We urge both organizations to continue to work towards realizing those common objectives.

The 2008 Prodi report (see S/2008/813) and the 2009 follow-on report of the Secretary-General

(S/2009/470) serve as essential guides to enhancing United Nations-AU cooperation in the fields of peace and security. The United States supports the vast majority of the recommendations in those reports. We have been encouraged by the progress in implementation. With regard to the Prodi report, I would like to make four points.

First, we applaud the United Nations Secretariat and the AU Commission for creating and convening the Joint Task Force on Peace and Security.

Secondly, the effective leadership of the United Nations Office to the African Union in coordinating United Nations agencies in the peace and security cluster will be essential to realizing our mutual goals. That is especially urgent given the cooperation on resolving the conflicts in Somalia and the Sudan.

Thirdly, there is more to be done in working out clearer mechanisms for United Nations organizations to partner with African Union counterparts.

Fourthly, we welcome the AU's work on building early-warning conflict prevention and conflict resolution capacities. The United States has made efforts to train and equip parts of the AU Commission to help accomplish those objectives.

The United States looks forward to further African Union work to develop priorities for the African Standby Force that include training in the areas of the protection of civilians, human rights, and women and children in armed conflict. The Department of Field Support (DFS) can show continuing leadership in assisting the AU to develop a logistics capacity. We encourage the DFS to continue its good work supporting the AU in mission support, procurement and logistics.

Some of the most important recommendations found in the Prodi report concern the financing of AU peace support operations. Funding mechanisms for AU-led peace support operations authorized by the Security Council should be simple and should promote accountability. The United Nations and the African Union should work together to improve accounting capacities, organizational transparency and internal oversight.

The United States fully supports the enhanced sustainability, predictability and flexibility of financing of the AU's peace and security capability. We again call upon the United Nations and the AU to implement

the recommendations of the Prodi report as an initial step in achieving such objectives.

**Mr. Alzate** (Colombia) (*spoke in Spanish*): I thank Special Representative of the Secretary-General Zachary Muburi-Muita, Head of the United Nations Office to the African Union, for presenting the report on cooperation between the African Union and the United Nations and, in that regard, the prospects for that Office.

My delegation believes that deepening cooperation among the various actors, including the United Nations Office, is an immediate imperative. Such an alliance will give us tangible results to the benefit of international peace and security, in particular peace in Africa. However, today we also have an excellent opportunity to comprehensively assess the progress, achievements and challenges of peacekeeping missions in Africa as ideal tools to achieve and strengthen agreement and harmony among peoples on that important continent.

In that context, we appreciate the support provided by the African Union for such aims. We firmly believe that the African Union plays a crucial role in the peace missions currently deployed on that continent. Political support and military personnel, as well as the police and civilian contributions, in coordination with the United Nations, have reached an unprecedented level in the history of those operations, without which Rwanda, Côte d'Ivoire and the Democratic Republic of the Congo would not have been able to put themselves on track towards the broadest goals of coexistence, such as those expected of those countries today. Cooperation between the two organizations is therefore essential.

On the basis of Article 52 of the Charter, Colombia acknowledges the importance and value of the efforts of regional organizations to achieve higher goals, such as that of peace. With the support of the Security Council, regions are called on to develop their processes, to exercise their ownership and to promote actions that truly respond to their own needs through timely and appropriate assessments. Supporting the stability and the development of countries through the competent bodies of the United Nations is a priority that should be given to any plan or mission under development.

There are specific missions today, such as those in Darfur, the Sudan and Somalia, that require actions

in the immediate future. Owing to events that continue to unfold and their destabilizing consequences, we are convinced that peace missions on the African continent must be strengthened. At the same time, we should seek formulas to resolve the fundamental social and economic situations that give rise to such events.

Various regions of the continent are still experiencing turbulent times, brought about by violent groups, the impact of which makes it impossible to foresee the ultimate consequences of their actions. Therefore, our appeal is to maintain dialogue and communication with all those who can provide a peaceful solution to the conflicts. Thousands of lives are at stake. In that regard, the humanitarian issue is a priority of any agenda being developed. We know that a peacekeeping mission must go hand in hand with actions seeking peaceful solutions as a prerequisite to the use of the military component so as to exhaust the provisions of Chapter VI of the Charter prior to turning to Chapter VIII.

My delegation believes that the training of military, police and civilian personnel should continue, in full compliance with the mandates that the Council issues, with emphasis on the protection of civilians, disarmament, demobilization, reintegration and the development plans for each specific mission. The United Nations Office to the African Union can certainly play a key role in the training process.

We still have much left to do. Joint capacity should be given priority over any one-off initiative. To that end, the allocation of and increase in the necessary resources must be planned only when needed. It must be recognized that such resources should not only remain limited to the contributions of traditional donor countries. We must explore alternative financing methods that will make it possible to develop a sustainable mid- and long-term plan, given the difficulties faced by missions as they begin to deploy. Such plans must have essential components, such as the gradual transition to national capacities in order to avoid the continued presence of United Nations troops in certain scenarios.

Mission management is another aspect that we believe to be important. We must set out a series of measures and must assess results so that we can achieve real answers as to the effectiveness and efficiency of peacekeeping operations in the field in order for actions and resources not to overlap. Perhaps

the United Nations Office to the African Union can also cooperate in drawing up studies to that end. We know that as processes improve, with better training of its members, and, above all, better resource management, results are multiplied. That aspect should be taken into account.

As the Secretary-General rightly pointed out, the requirements of the African continent are urgent in order to prevent minor crises from becoming problems to which the only solution is troop deployment. The African Union plays a decisive role in that part of the world with regard to security, development, prevention and sustainability. The United Nations must stand beside the African Union to support its efforts. Colombia is certainly ready to support actions that give rise to the security and peaceful coexistence of all its States and of their citizens within respect for sovereignty, the rule of law and the fundamental principles of the Charter.

**Mr. Vinay Kumar** (India): First of all, Mr. President, I would like to put on record our appreciation for your efforts in organizing this briefing today. I would also like to thank Mr. Muburi-Muita, the Special Representative of the Secretary-General and Head of the United Nations Office to the African Union, for his comprehensive briefing.

Just last month, the Council visited Addis Ababa and had a very fruitful exchange of views with the members of the African Union (AU) Peace and Security Council and several other leaders in Africa. As many as two thirds of the active items on the Council's agenda concern Africa. About three quarters of the Council's time is spent on African issues. It would therefore be no exaggeration to say that the success of the efforts of the Council in Africa will significantly determine its overall effectiveness in maintaining international peace and security.

In this connection, it is important for us to hear Africa's voice so that the Council's activities are not only based on Africa's needs, but also complement the activities that African countries and organizations are themselves undertaking. Cooperation with Africa will also enable the Council to act with a better understanding of the situation and establish Africa's ownership of solutions and thereby promote lasting peace and security on the African continent.

Chapter VIII of the Charter of the United Nations recognizes the importance of regional organizations

and their role in matters relating to peace and security. The Charter also provides a broad framework for cooperation between the Council and regional organizations. We therefore welcome the establishment of the United Nations Office to the African Union. The Office will assist the AU in developing a more effective peace and security partnership with the Security Council; strengthen coordination and cooperation between the AU and the United Nations system; ensure an appropriate level of representation to enhance the strategic and operational partnership of the United Nations with the African Union and subregional organizations; and help the United Nations deliver key outputs in Africa in an integrated manner.

We believe that the Office will develop a long-term perspective for its mandate and focus on capacity-building of the African Peace and Security Architecture so that the AU becomes a more effective and capable partner of the United Nations. To implement its mandate, the Office must be adequately staffed and resourced so that the constraints on its functioning are removed.

The Office also needs the active support of the Council to carry out its liaison work, in particular in the field of peacekeeping. Simultaneously, the Office should expeditiously work to establish a formalized structure of interaction with different AU bodies and subregional organizations. This would not only ensure the effective flow of information between the United Nations and AU, but also help in regular follow-up.

It is our view that progress on the implementation of the Office's mandate should be periodically reported to the Security Council. It is essential for understanding practical difficulties and gaining perspectives of the Office operating in the field.

For effective and enduring cooperation between the United Nations and the AU, it is necessary that the Council not adopt a selective approach to this cooperation. While the Security Council bears primary responsibility for the maintenance of international peace and security, the Council, as structured at present, needs to hear the voices of other regions and countries not represented on a permanent basis.

Alongside the work of reforming the Council, it would add to the credibility of the Council's action if serious consideration were given to the views of the African Union, in particular when the AU can help in expeditiously and peacefully resolving a crisis. In this

context, we believe that the Council needs to pay heed to the views of the African Union in resolving the Libyan crisis.

We hold this view fully mindful of the demonstrated ability of the African Union to solve problems in Africa. In cooperation with the Council, the African Union High-Level Implementation Panel for the Sudan has been instrumental in the successful implementation of important aspects of the Comprehensive Peace Agreement (CPA). The Panel is also engaged in resolving outstanding CPA issues and in the crisis in Darfur. The African Union Mission in Somalia is a mainstay of international efforts to bring peace and stability to that country. These are but some examples of the AU's success in resolving African problems.

In conclusion, we fully support the Council's continuing cooperation with the AU and expect that the Secretary-General's report on the Ten-Year Capacity-building Programme for the African Union will be fully implemented and that the United Nations Office to the African Union will play an instrumental role in that regard.

**Mr. Quarrey (United Kingdom):** I join others in thanking Special Representative of the Secretary-General Muburi-Muita for his briefing this morning.

The seriousness of the threats to international peace and security in Africa, and particularly the situations in Somalia, the Sudan and Libya, underline the need for the international community to work together effectively. A robust partnership between the African Union (AU) and the United Nations should be central to that. In that regard, the quality of the United Nations presence in Addis Ababa is an important factor.

As the Special Representative of the Secretary-General outlined, the United Nations Office to the African Union has, since its establishment last year and under his leadership, helped to improve the effectiveness of the United Nations engagement with the AU. The meetings of the Joint Task Force have also played a role in building a better and more coordinated relationship between the United Nations Secretariat and the African Union Commission.

This is against a backdrop of continued progress in the institutional development of the AU. This is a key element in good cooperation. It has been facilitated

by crucial support to capacity-building from the United Nations, the European Union (EU) and bilateral partners.

The United Kingdom welcomes the progress made so far in the United Nations Ten-Year Capacity-Building Programme for the AU. The EU's assistance to the AU on peace and security issues, totalling €1 billion, is a major source of predictable and sustainable funding. The African Peace Facility helps to support the costs of deploying United Nations-authorized AU peace support operations.

The United Kingdom is a key donor to the AU peace and security efforts in its own right, including through recent uncaveated contributions totalling \$5.5 million to the United Nations Trust Fund for the African Union Mission in Somalia (AMISOM), as well as through the training of peacekeepers and support for mediation and peace support operations.

Joint AU-United Nations activities for AMISOM are an example of the vital cooperation between the two organizations. We commend Uganda and Burundi for their continued commitment to AMISOM at great sacrifice. The United Kingdom greatly welcomes continued consultation and cooperation on Somalia.

The situation in the Sudan continues to be a high priority, on which the AU and the United Nations must work together. We would like to take this opportunity to commend once again the cooperation between President Mbeki, as Chair of the AU High-Level Implementation Panel, and Special Representative of the Secretary-General Menkerios, with the support of Ethiopian Prime Minister Zenawi, in facilitating the Abyei interim agreement. We must continue cooperation at all levels to ensure that both of the parties follow through on this agreement and that they urgently reach agreement on all outstanding issues relating to the Comprehensive Peace Agreement and post-secession arrangements.

The United Kingdom looks forward to greater coordination between the Security Council and the AU High-Level Panel on Libya. It was helpful that the High-Level Panel could brief us on their work last week. In line with the aims of the contact group, which serves to coordinate international policy on Libya, we welcome the AU's efforts to work with and through the United Nations Special Envoy to find a solution to the crisis based on the legitimate demands of the Libyan

people. We also welcome the AU's commitment to resolutions 1970 (2011) and 1973 (2011).

All of these issues demand that the AU and the United Nations have a strong relationship, including between their respective member States. Here is the opportunity to have honest, frank and constructive dialogue, including on issues where we may disagree. We look forward to working closely with the AU on these important issues in the future.

**Mr. Assaf** (Lebanon) (*spoke in Arabic*): At the outset, I would like to thank Mr. Muburi-Muita, Special Representative of the Secretary-General, for his briefing. We welcome his appointment and his efforts as Head of the United Nations Office to the African Union.

The relationship between the United Nations and the African Union has developed a great deal in recent years, in particular in terms of peacekeeping and peacebuilding on the African continent. Today there is an increasing need for greater coordination and mutual assistance between the United Nations and the African Union, in particular in managing and deploying peacekeeping operations in several African countries. The creation of the United Nations Office to the African Union both responds to the need for greater coordination among United Nations offices on the African continent and promotes partnership between the African Union and the United Nations, in particular when it comes to the maintenance of international peace and security. We see this very clearly in United Nations peacekeeping operations in Africa, particularly the hybrid operations such as in Darfur and Somalia. The creation of the Office will allow the United Nations to give continuous advice to the African Union in building long-term capacity. The Office will also help to coordinate peace and security activities in Africa and to follow up the activities of the African Union in the framework of preventive diplomacy in order to prevent future crises in Africa and find a solution to conflicts.

Finally, we hope that the African Union and the United Nations will be able to fulfil their mandates in a comprehensive way in order to promote such partnership and cooperation effectively and to promote peace and security in Africa, in accordance with the provisions of Chapter VIII of the Charter of the United Nations concerning cooperation with regional organizations.

**Mr. Moraes Cabral (Portugal):** I would like to thank the Special Representative of the Secretary-General for his comprehensive and very useful briefing. We very much appreciate seeing Ambassador Muburi-Muita here in New York. I wish to congratulate him for all the work that he has already done in the past eight months. On a more personal note, I am always very happy to see him here in the Security Council.

Let me also thank the presidency for promoting this first briefing on the United Nations Office to the African Union. We very much hope that it will become a regular feature in our activities in the Security Council.

We all welcome the establishment of the United Nations Office as an important contribution to reinforcing the strategic relations and partnership between the two organizations and providing more coherence, efficiency and visibility to the United Nations presence in Addis Ababa.

We have come a long way in terms of forging institutional ties and developing original mechanisms of dialogue and cooperation. We should now look ahead and do our best to build upon these achievements to ensure that those mechanisms are used to their full potential.

Concerning the role of the United Nations Office in matters of peace and security, there is certainly great potential for efforts towards finding common ground and continuity in the dialogue between the two organizations, and namely between the Security Council and the African Union Peace and Security Council. The regular dialogue between the two organs — and we recently had an example of this in Addis Ababa and another example here last week when we had a discussion with the African Union Ad Hoc High-Level Committee on Libya — can obviously benefit from the work of the United Nations Office in Addis Ababa, in terms of both substance and working methods.

As the Council recalls, there are several common issues on which the Security Council and the African Union Peace and Security Council underlined their cooperation recently in Addis Ababa. I will only mention a few, namely, the prevention and resolution of conflicts, peacekeeping and peacebuilding, human rights, democracy and the rule of law in Africa. I would also underline that they expressed a common

concern about the situation of women and children in conflict situations and post-conflict contexts. I would also add the common concern on the need to effectively address the problem of sexual violence in armed conflicts, to investigate crimes and to ensure that the perpetrators are brought to justice. These are security issues that are common to the agendas of both organizations.

This means that we must work on exploiting and reinforcing channels of dialogue on these major security issues. Much has been achieved, but we need better articulation between the African Union and other actors involved in the prevention and resolution of conflicts in Africa, which has not always been present in handling recent crises.

We therefore look forward to receiving the recommendations from the report of the Secretary-General on the Secretariat's strategic vision for United Nations-African Union cooperation in the peace and security areas, taking into account the lessons learned from the hybrid missions in the Sudan and Somalia and from the first years of implementation of the Ten-Year Capacity-Building Programme.

Portugal is a strong supporter of international efforts aimed at strengthening the African Peace and Security Architecture in its various dimensions. The African Union and African subregional organizations' own roles in the prevention and resolution of conflicts on the continent have proved to be an important promoter of stability, and one that should be encouraged.

Through our active participation in the European Union-Africa partnership, we have advocated, and will continue to advocate, European financial and technical assistance to African initiatives in the peace and security domain.

We would also like to underline the importance of regional arrangements for Chapter VIII peacekeeping operations. In that regard, we encourage a further strengthening and cooperation with the African Union in planning and conducting peacekeeping operations in Africa and any other initiatives aimed at improving the interoperability between the United Nations and the African Union.

Finally, the African Union-United Nations Hybrid Operation in Darfur and the African Union Mission in Somalia constitute two concrete models of

peacekeeping cooperation between the United Nations and the African Union from which we believe there are a number of lessons we can learn, but where there is also much room for improvement, as has already been mentioned here today.

Let me conclude by thanking again Ambassador Muburi-Muita for his work and by assuring him of Portugal's full support.

**Mr. Pankin** (Russian Federation) (*spoke in Russian*): We are grateful to the Special Representative of the Secretary-General, Mr. Muburi-Muita, for his detailed briefing.

Today's meeting, as shown by the statements by our colleagues, reaffirms the particular attention that the Security Council continues to give to issues pertaining to the settlement of crisis situations on the African continent. It is extremely important that the Security Council not be the only player in this field.

As other speakers have done, we too note with satisfaction the fact that the African Union and subregional African organizations are working increasingly actively in resolving the continent's problems. We should support in particular the determination of the African Union and its member States to take on responsibility for preventing conflicts and for carrying out peacekeeping activities in Africa while showing a flexible and diversified policy for cooperation with other partners.

In that context, we note the significance of the creation of the United Nations Office to the African Union, which should help our universal Organization to optimize the peacekeeping potential of the African Union. The peacekeeping activities of the African Union clearly illustrate the need for and validity of the rational use of the potential of regional organizations by the Security Council on the basis of Chapter VIII of the Charter of the United Nations.

We have no doubt that the peacekeeping capacity of the African Union needs further strengthening, including through the international community providing appropriate support. A particular role in that regard is played by the United Nations, both through the dialogue between the Security Council and the Peace and Security Council of the African Union and through cooperation between the United Nations Secretariat and the African Union Commission.

In addition to peacekeeping, we would like to highlight the need for attention to be paid to strengthening the African Union's potential in mediation and preventive diplomacy, which is very necessary in today's world. Another priority is the formation by the African Union of a multilevel institution for collective security, to prevent and react in a timely way to emerging crisis situations.

In terms of the provision of material, technical and financial support for peacekeeping efforts by the African Union from the United Nations, we support a flexible approach. There is a need here for a detailed analysis of the conditions of deployment and the needs of specific peacekeeping operations, and for comprehensive consultations between the African Union and the United Nations on all aspects of cooperation in terms of goals, parameters and duration. In that regard, there is a need for maximum cooperation.

The Russian Federation participates in developing and implementing programmes for international assistance to Africa, including by strengthening the peacekeeping potential of the African Union. We intend to continue this work in the future. We would like to wish Mr. Muburi-Muita every success in his future work in this area.

**The President** (*spoke in French*): I shall now make a brief statement in my capacity as the representative of Gabon.

I would also like to thank the Special Representative of the Secretary-General, Mr. Zachary Muburi-Muita, for his briefing and to congratulate him on his work as Head of the United Nations Office to the African Union since its creation by the Secretary-General in July 2010.

My country places great importance on the work of the Office and its contribution to cooperation between the United Nations and the African Union (AU), in particular on issues related to peace, security and development.

The representative of Portugal recalled some specific concerns that deserve the attention of the Office. In May, at the meeting between the Security Council and the Peace and Security Council of the African Union in Addis Ababa, I presented an assessment of cooperation between the two bodies on behalf of the Security Council. I noted the progress

made in several areas, including strengthening dialogue and contact on issues related to peace and security; United Nations support for the Ten-Year Capacity-Building Programme for the African Union; and assistance to the African Union and regional African organizations to help them develop the necessary capacity to plan, deploy and carry out peacekeeping operations.

Nevertheless, members of the two Councils recognized that more needed to be done in terms of planning strategy and mobilizing resources. That is precisely the role and place of the Office. Specifically, it is able to enhance synergies in follow-up activities, evaluate results and develop response strategies, as do the African Union Mission in Somalia, the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Sudan. In that respect, we would like to recognize the commitment of the contributors, Uganda and Rwanda.

The recommendations made in the Prodi report (see S/2008/813) and the relevant subsequent reports of the Secretary-General are, in our view, the foundation for the work of the Office in implementing the recommendations contained in the reports themselves and in analysing methods for improving and strengthening the relationship between the United Nations and the African Union.

In conclusion, I would like to assure the Council of my country's and my delegation's support. We will be sure to give special attention to the next report of the Secretary-General on the partnership between the United Nations and the African Union.

I now resume my functions as President of the Council.

I once again give the floor to Mr. Muburi-Muita to respond to the statements and comments made by delegations.

**Mr. Muburi-Muita:** Thank you, Mr. President, for the opportunity to take the floor once again. I do not have much to respond to, but I wish to seize this occasion to thank you personally, Mr. President, and Council members for the very warm words expressed to me personally and especially to my new Office.

Again, we are taking a very broad approach to our work. As I mentioned earlier, we worked on a multi-pronged approach in which the two Councils play a primary role, as do the United Nations-African Union Joint Task Force on Peace and Security, the Secretariat and the Commission — all the way down to the desk-to-desk meetings. One such meeting has just been convened in Nairobi to bring together technical staff of the African Union (AU) and United Nations.

With regard to the issue of the regional economic communities, they play an important role in resolving conflict situations on the continent of Africa. United Nations agencies and the partners' group have also been effective in marshalling efforts to enhance the capacity of the AU to better address matters of peace and security. So we are taking a multifaceted and very deep approach in the new Office. As we continue to establish ourselves, we look forward to having a more prominent presence there on behalf of the United Nations.

In conclusion, I hope to have another opportunity in the future to present a more comprehensive report as our Office grows.

**The President (spoke in French):** I thank Mr. Muburi-Muita for his comments.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 1.25 p.m.*

United Nations

S/PV.6562



## Security Council

Sixty-sixth year

**6562**<sup>nd</sup> meeting

Thursday, 23 June 2011, 10 a.m.

New York

*Provisional*

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|-------------------|------------------------------------------------------------|----------------------|
| <i>President:</i> | Mr. Messone .....                                          | (Gabon)              |
| <i>Members:</i>   | Bosnia and Herzegovina .....                               | Mr. Barbalic         |
|                   | Brazil .....                                               | Mrs. Viotti          |
|                   | China .....                                                | Mr. Wang Min         |
|                   | Colombia .....                                             | Mr. Osorio           |
|                   | France .....                                               | Mr. Araud            |
|                   | Germany .....                                              | Mr. Wittig           |
|                   | India .....                                                | Mr. Vinay Kumar      |
|                   | Lebanon .....                                              | Mr. Salam            |
|                   | Nigeria .....                                              | Mr. Amieyeofori      |
|                   | Portugal .....                                             | Mr. Moraes Cabral    |
|                   | Russian Federation .....                                   | Mr. Pankin           |
|                   | South Africa .....                                         | Mr. Sangqu           |
|                   | United Kingdom of Great Britain and Northern Ireland ..... | Sir Mark Lyall Grant |
|                   | United States of America .....                             | Ms. Rice             |

### Agenda

The situation in the Middle East, including the Palestinian question

*The meeting was called to order at 10.15 a.m.*

# **Adoption of the agenda**

*The agenda was adopted.*

## **The situation in the Middle East, including the Palestinian question**

**The President** (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Pascoe.

**Mr. Pascoe:** Since we have tried to brief the Security Council regularly on the situations in Libya, Syria, Yemen and Bahrain, I will limit today's briefing to its traditional topics.

As popular protest and political change continue to sweep the region, the Israeli-Palestinian political process remains at a dangerous standstill. The Secretary-General is increasingly worried about the impasse. The resumption of meaningful negotiations is urgent.

In that context, the Secretary-General hopes that both parties will demonstrate a renewed determination to achieve a peace agreement that provides for two States living side by side in dignity, security and peace, consistent with long-established and recognized parameters. He believes that President Obama, in his speech of 19 May, offered important ideas that could help the peace talks to move forward, consistent with international positions and responding to the legitimate core concerns of both parties. He encourages Prime Minister Netanyahu and President Abbas to respond positively to that important speech.

The Quartet agrees that moving forward on the basis of territory and security provides a foundation for Israelis and Palestinians to reach a final resolution of the conflict through serious and substantive negotiations and mutual agreement on all core issues. In a statement on 20 May, the Quartet reiterated its strong appeal to the parties to overcome the current obstacles and resume direct bilateral negotiations without delay.

The Secretary-General strongly supports the convening of the Quartet at the principals level soon. The Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Mr. Robert Serry, is in close contact with his fellow envoys in that regard, and with the parties. In addition, the Minister for Foreign Affairs of France, Mr. Alain Juppé, made proposals for resuming negotiations, and the High Representative of the European Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton, visited the region to impress upon the parties the European Union's sense of urgency and concern.

During the reporting period, Fatah and Hamas leaders met under Egyptian auspices to discuss the implementation of the reconciliation agreement concluded in Cairo on 4 May. Factional representatives also met in Moscow and Ankara. On 24 May, the League of Arab States discussed ways to support the implementation of the Palestinian reconciliation agreement and to provide financial assistance to the Palestinians. President Abbas also held consultations in Saudi Arabia on 13 June. However, no agreement has yet been reached on the composition of the proposed Government.

We recall the Secretary-General's consistent support of efforts for Palestinian unity in line with resolutions 1850 (2008) and 1860 (2009). We wish to see unity in the framework of the positions of the Quartet and the commitments of the Palestine Liberation Organization and the Arab Peace Initiative. We urge the parties to implement their agreement accordingly. It is vital that, until elections are held, any Government be committed to the programme of President Abbas and maintain security cooperation in the West Bank and calm in Gaza.

Security cooperation between the Palestinian Authority and Israel in the West Bank continues, and must be maintained. I welcome the announcement that an eighth battalion of Palestinian security forces will be trained in Jordan with international assistance, bringing the number of internationally trained Palestinian security forces maintaining law and order in the West Bank to around 4,000.

We count on Israel's continued cooperation in keeping up regular transfers of value added tax and

Those transfers help to ensure the payment of salaries for essential State functions, including security. It is also critical that donors commit additional funds to support the Palestinian Authority's recurrent budgetary expenditures, given its projected budget gap of approximately \$300 million for the year.

We will continue to work towards the full implementation of all aspects of resolution 1860 (2009) regarding Gaza. An overall state of calm between Israel and Gaza has generally prevailed for the past 10 weeks. However, during the reporting period, two rockets and two mortars were fired at Israel from Gaza, fortunately causing no injuries or damage, while Israel conducted six incursions and one air strike. One Palestinian civilian was killed by Israeli fire on 21 May while approaching the border fence during the night, and two civilians were injured by Israeli forces on 20 and 29 May, respectively. We continue to urge calm and restraint for the sake of the civilian populations on both sides.

On 16 June, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) summer games were launched in Gaza, providing thousands of children with recreational and learning activities. We welcome Israel's approval, earlier this week, of a further \$100 million in UNRWA construction projects, in particular 1,100 UNRWA housing units in Khan Younis and Rafah and a further 18 UNRWA schools, bringing the total of approved United Nations reconstruction over the past 15 months to approximately \$265 million. We continue to stress that the market in aggregate, steel bar and cement can and should be liberalized by the Israeli authorities.

On 25 May, Egypt announced extended working hours and eased crossing procedures for persons at the Rafah crossing point between Gaza and Egypt, subject to security checks. Difficulties have surfaced between Egypt and the de facto Hamas authorities in the implementation of that adjustment. Efforts continue to combat the smuggling of weapons through tunnels.

In relation to reports that a new flotilla is planned in the next few days, I want to reiterate today the strong view of the United Nations that assistance for the population of Gaza should be delivered through official crossings. The Secretary-General has called upon, and written letters to, Governments concerned to

must act responsibly and with caution to avoid any violent incidents.

On 25 June, Israeli Staff Sergeant Gilad Shalit will have spent five years in Hamas captivity. We urge humanitarian access to him and his immediate release, and hope that prisoner-exchange efforts will bear fruit. This would impact favourably on the situation of several thousand Palestinian prisoners in Israel and on the broader political atmosphere. The Office of the United Nations Special Coordinator for the Middle East Peace Process uses its contacts with all parties to support efforts in this regard.

Israeli settlement activity continued in violation of international law and the Road Map. According to the Israeli Central Bureau of Statistics, construction was under way on 1,774 units in the first quarter of 2011 in the West Bank, excluding East Jerusalem. The Ministry of Defence approved an additional 294 units in the settlement of Beitar Illit during the reporting period. Settlement activity is continuing in East Jerusalem as well. I note with concern the conduct of a dedication ceremony at the settlement of Ma'aleh Zeitim, in the heart of the Palestinian East Jerusalem neighbourhood of Ras Al-Amud, in the presence of the Knesset Speaker and senior Cabinet members.

We are concerned that continued demolitions in Area C are displacing Palestinians from their communities. The Israeli Defence Forces (IDF) demolished 81 Palestinian structures in the West Bank, including two in East Jerusalem, displacing 260 people, including 145 children. This included the demolition of 29 structures in Al-Hadidiya and in the northern Jordan Valley on 21 June. The planning regime applied by the Israeli authorities in this area prohibits residents from constructing any structures in their community.

On 5 June, large crowds of demonstrators in two locations in the Golan attempted to breach the ceasefire line and cross the technical fence. This incident has been reported by the Secretary-General in his current report (S/2011/359) on the United Nations Disengagement Observer Force (UNDOF), and Assistant-Secretary General Edmond Mulet will brief the Council after this meeting. The IDF first responded with verbal warnings through a loudspeaker, the use of tear gas and warning shots above the crowd. It then

killed and many more wounded. UNDOF helped calm the situation and is seeking to confirm the facts.

The Secretary-General, who had sent appeals for calm, responsibility and restraint to all parties throughout the region, regretted the loss of life and condemned the use of violence and all actions intended to provoke violence. He called for maximum restraint on all sides and strict observance of international humanitarian law to ensure the protection of civilians, while reminding the Syrian authorities of their obligation to protect UNDOF personnel and facilities.

Riots took place the following day in the Yarmouk Palestinian refugee camp in Syria during funerals for those killed, apparently in frustration against Palestinian factions based in Syria that had encouraged the breach attempt, resulting in a reported 12 killed.

There were no demonstrations along the Blue Line on 5 June during the so-called An-Naksa day events. Following the confrontation on 15 May, the United Nations Interim Force in Lebanon discussed measures to prevent further incidents with the parties. On 2 June, the Lebanese Armed Forces decided to strictly forbid demonstrators from entering the area south of the Litani River and to impose strict security measures along certain portions of the Blue Line. Following this decision, Palestinian organizations cancelled protests along the Blue Line and opted instead to hold a day-long sit-in in refugee camps.

Demonstrations in the West Bank resulted in approximately 120 Palestinians and one Israeli soldier injured, and 15 Palestinians arrested by the IDF. In other demonstrations during the reporting period, violent clashes between anti-barrier protestors and Israeli security forces resulted in 95 Palestinians injured and numerous arrests and cases of gas inhalation. The IDF conducted 386 search operations in the occupied West Bank, in which 139 Palestinians were injured and 329 arrested, among them three members of the Palestinian Legislative Council, from the Popular Front for the Liberation of Palestine and Hamas, and two Fatah leaders, while 25 Israeli security officers were also injured.

Israeli settler attacks against Palestinians and their property in the West Bank resulted in 13 Palestinian injuries and extensive material damage.

Palestinian-controlled religious site. In response to the IDF's dismantling of a settlement outpost on 2 June near the Shiloh settlement, settlers attacked Palestinians and their property under the so-called price-tag policy. A mosque in the village of Al-Mughayar was set on fire and its outside walls were sprayed with graffiti on 7 June. The Israeli Government condemned this attack. The Special Coordinator condemned the desecration and called on the Israeli Government to ensure the accountability of those responsible and to protect the human rights of Palestinians and their property, including religious sites.

Please allow me to turn to the situation in Lebanon. On 13 June, Prime Minister Mikati announced the formation of a new Government, which in large part is composed of the 8 March coalition. According to the Lebanese Constitution, the new Government must present its programme to Parliament and gain its confidence within 30 days. Let me be clear: the Secretary-General expects the new Government to reiterate its commitment to the full implementation of resolution 1701 (2006) and to all of Lebanon's international obligations.

On 18 June, armed clashes between the predominantly Sunni neighbourhood of Bab al-Tabbaneh and the predominantly Alawite neighbourhood of Jabal Mohsen, in the northern city of Tripoli, left six people dead and 22 others injured. The clashes erupted after demonstrations in support of anti-regime protests in Syria.

The United Nations continues to monitor developments along Lebanon's northern border. The influx of Syrian nationals into northern Lebanon, which reached an estimated 4,000 persons in mid-May, has virtually stopped since early June. This is attributed to the imposition by Syrian authorities of additional security measures along the border. The United Nations is coordinating closely with the Government of Lebanon on the provision of assistance to the displaced and on matters of protection and the determination of their status.

The situation faced by Palestinian refugees living in Lebanon continues to be a matter of concern. I urge donors to continue and, if possible, increase their support for regular UNRWA programmes aimed at

of the Nahr al-Bared camp in northern Lebanon, which was destroyed in 2007.

As the sixteenth report of the Secretary-General on the implementation of resolution 1701 (2006) is to be submitted soon, I will not elaborate today on the important developments in recent weeks that fall under the purview of that resolution.

In conclusion, with both the Palestinians and Israelis stressing their desire to negotiate, President Obama's speech contained ideas that the international community can rally behind to offer a framework to resume talks and seek an agreement. The Secretary-General looks forward to the Quartet giving impetus to this objective through a meeting at the principals level soon.

But what is most important is that the leaders on the ground rise to the challenge. They face political risks and there are many questions in the minds of their publics. There is also a gulf of confidence between the parties. But we appeal to them to return to negotiations in the interests of their respective peoples, without further delay, and to negotiate seriously in order to reach an agreement. We will continue to work with the parties and our regional and international partners in this cause.

**The President** (*spoke in French*): I thank Mr. Pascoe for his briefing.

I now invite Council members to informal consultations continue our discussion on the subject.

*The meeting rose at 10.30 a.m*